

Domestic Relations Forms

Mandatory Forms

4A-100. Domestic relations forms; short title; purpose of forms; cautions regarding use of forms.

A. **Short title.** These forms may be cited by New Mexico Rules Annotated, "NMRA", as "Domestic Relations Form 4A-_____".

B. **Mandatory forms.** The forms compiled as Domestic Relations Forms 4A-111 through 4A-132 NMRA are approved for use by attorneys in representing their clients in domestic relations cases in the district courts. These forms supersede conflicting local district court domestic relations forms.

C. **Pro se forms.** Domestic Relations Forms 4A-201 to 4A-341 NMRA have been approved for use by persons who are representing themselves in uncontested domestic relations cases. The forms published as Domestic Relations Forms 4A-201 through 4A-341 NMRA are not required to be used. Parties may use other forms that serve the same purpose.

(1) Domestic Relations Forms 4A-301 to 4A-322 NMRA may be used if both the husband and wife have already agreed not to contest the following:

(a) the court granting the parties a divorce;

(b) how the husband and wife will divide all of their property and debts; and

(c) if the husband and wife are the parents of one or more children under eighteen (18) years of age or a child under the age of nineteen (19) attending high school, a parenting plan and child support obligation for their children.

(2) Domestic Relations Forms 4A-331 and 4A-332 NMRA may be used in paternity cases if both parties agree that they are the parents of one or more children under eighteen (18) years of age or a child under nineteen (19) years of age attending high school.

D. **Availability of forms.** In addition to publication in the New Mexico Rules Annotated, the Domestic Relations Forms may be downloaded in word processing format from the Supreme Court's web site, www.supremecourt.nm.org, click on "*legal forms*", and then click on "*domestic relations forms*". These forms are also available in word processing format through the Administrative Office of the Court's web site, www.nmcourts.com, click on "*Family Law Forms*". If the husband and wife have minor children, the Child Support Worksheet found on the Administrative Office of the Court's

web site will automatically determine the monthly child support obligation. This interactive form may be found at *www.nmcourts.com*, click on "*Family Law Forms*".

[Approved, effective November 15, 2001 through November 15, 2002; approved, as amended, effective November 15, 2002.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001. Subsequently, by a court order dated November 5, 2002, this rule was amended and approved, effective November 15, 2002.

4A-101. Domestic relations cover sheet.

DOMESTIC RELATIONS COVER SHEET¹

Type or print responses. Required for attorneys only.

(Do not use in domestic violence cases.)

THIS SECTION FOR OFFICIAL USE ONLY²

Case number: _____ Assigned judge: _____ Free process: Y N

Information for court clerk's use.

A. Parties' names and petitioner's attorney information.

Petitioner's information

Petitioner's name:

Attorney's name:

Attorney address:

City:

State:

Zip code:

Telephone:

Respondent's name:

B. Case tracking *(select codes from page 3)*³

Primary case type *(Insert three letter code)* _____.
Primary claim for relief *(cause of action)* *(Insert three letter code)*

Other claims for relief *(cause of action)* *(Insert three letter codes)*⁴:
_____.

C. Type of pleading *(mark only one)*

_____ FIRST PLEADING for this party *(petition)*

_____ RE-OPENED *(Post judgment decree, motions, petitions for enforcement or modification)*

Information for judge's use. *(mark all that apply)*

Has mediation or settlement facilitation been attempted? _____ Yes _____ No.
Are there any pending or closed cases, including any domestic violence or children's court cases, involving the same parties or children? _____ Yes _____ No.

END OF COVER SHEET. GO TO INFORMATION SHEET.⁵

NOTE TO CLERK: PLACE THE COVER SHEET IN THE COURT FILE.⁶

NOTE TO COURT CLERK: DO NOT FILE THE INFORMATION SHEET.⁶

DOMESTIC RELATIONS INFORMATION SHEET

Case number: _____ Assigned judge: _____

The following information is required by New Mexico law and federal law for child support enforcement. The information also is needed to identify and monitor the case.

1. Information regarding petitioner and respondent. *(Do not use an attorney's mailing address. Use a separate sheet if necessary.)*

Petitioner

Name: _____
(Last name, first, middle)

Other names (e.g. maiden name):

Address:

City:

State:

Respondent

Name: _____
(Last name, first, middle)

Other names (e.g. maiden name):

Address: _____

City: _____

State: _____

Zip code: _____

Zip code: _____

Social Security number⁷: _____

Social Security number⁷: _____

2. Parties' minor children. (Provide the date of birth and social security number for each minor child, if any. Use a separate sheet if necessary.)

Name: _____
(Last name, first, middle)

Name: _____
(Last name, first, middle)

Date of birth: _____

Date of birth: _____

Social Security number: _____

Social Security number: _____

Name: _____
(Last name, first, middle)

Name: _____
(Last name, first, middle)

Date of birth: _____

Date of birth: _____

Social Security number: _____

Social Security number: _____

Has any court made an order for child support? _____ Yes _____ No

Has any court changed the amount of child support you requested? _____ Yes
_____ No

If you answered "Yes" to either question, what state and what court issued the order?
_____ State _____ Court.

3. Request to limit access to information.
(Optional - complete only if applicable)

[] The [petitioner] [respondent] has reason to fear domestic violence or child abuse. For this reason, please limit access to information about the [petitioner] [respondent] in the Child Support & Paternity Case Registry⁸ to the extent possible. The [petitioner] [respondent] realizes that this request may make it more difficult to assist in collecting child support. The [petitioner] [respondent] understands that the other party and the public might still view information about this case under some circumstances.

I affirm that this request is legitimately made and not designed to harass or intimidate the other party or mislead the court.

END OF INFORMATION SHEET

NOTE TO ATTORNEYS: DO NOT SUBMIT INFORMATION BELOW THIS LINE TO THE CLERK.⁵

CLAIMS FOR RELIEF (CAUSES OF ACTION)

Select the primary case type, primary claim for relief and all other claims for relief from the following list. Primary case types are in bold print and are either underlined or appear in italics. "Claims for relief" appear in regular lettering to the left and below each "primary case type". Write the appropriate codes in the appropriate blank spaces on the cover sheet.

		PRIMARY CASE TYPE
<i>ESTABLISH DISSOLUTION - MINOR CHILDREN</i>		<i>DDC</i>
ANNULMENT with custody	DAC	
DIVORCE with custody	DDC	
LEGAL SEPARATION with custody	DLC	
NOT MARRIED with children	DNC	
<i>ESTABLISH DISSOLUTION - NO MINOR CHILD</i>		<i>DDN</i>
ANNULMENT no minor child	DAN	
DIVORCE no minor child	DDN	
LEGAL SEPARATION no minor child	DLN	
NOT MARRIED no minor child	DNN	
<i>ESTABLISH CUSTODY OR VISITATION</i>		<i>DCV</i>
PARENTAL CUSTODY OR VISITATION	DCV	
GRANDPARENT VISITATION	DGC	
OTHER CUSTODY VISITATION	DOC	
<i>ENFORCE - MODIFY CUSTODY, VISITATION OR SUPPORT</i>		<i>DDC</i>
ENFORCE INCOMING RECIPROCAL	EIR	
ENFORCE OUTGOING RECIPROCAL	EOR	
ENFORCE SUPPORT - private attorney	EPV	
ENFORCE SUPPORT - state attorney	EST	
MODIFY INCOMING RECIPROCAL	EIR	
MODIFY OUTGOING RECIPROCAL	EOR	
MODIFY SUPPORT - private attorney	EPV	
ENFORCE OR MODIFY PARENTAL CUSTODY	ECV	
ENFORCE OR MODIFY GRANDPARENT VISIT	EGC	
ENFORCE, MODIFY OTHER CUSTODY OR VISIT	EOC	
<i>MISCELLANEOUS OR OTHER</i>		<i>DMS</i>

SECTION 40-4-7 PROPERTY DIVISION	DPD	
ENFORCE OR MODIFY PROPERTY DIV.	EPD	
MISC. DOMESTIC MATTERS	DMS	
ENFORCE - MODIFY MISC. DOM. REL. MATTER	EMS	
ESTABLISH PARENTAGE OR PATERNITY		DPA
ESTABLISH PARENTAGE OR PATERNITY	DPA	
CHILD SUPPORT		DCS
CHILD SUPPORT - private attorney	DPV	
CHILD SUPPORT - state attorney	DST	

USE NOTES

1. The Domestic Relations Cover Sheet and the Domestic Relations Information Sheet are not required in domestic violence, commitment, guardianship, probate or adoption actions; or if you are filing a pleading that does not change or add to the first pleading.

In uncontested domestic relations matters, the parties may submit one set of documents with the initial pleading, and the documents need not be served.

In all other contested domestic relations cases each attorney representing a petitioner in a contested case must submit both the cover sheet and the information sheet and serve a blank copy of the information sheet on the respondent. Respondents must submit the completed information sheet with their first responsive pleading.

The information submitted on these forms does not replace or supplement the filing and service of pleadings or other papers required by law. These forms, approved by the Supreme Court of New Mexico, are required to initiate domestic relations cases and are used by the courts for case management.

Forms are available from the court clerks and the NMRA. Electronic copies may be obtained from the Supreme Court's internet site (www.supremecourt.nm.org) and New Mexico Law on Disc. If re-keying the form it must appear substantially in the same format as the Supreme Court approved form. Type or print only. If using a word processing system, please print your answers in bold.

2. The information contained in the "official use only" section of the domestic relations cover sheet including the case number and assigned judge, and free process information will be filled in by the court clerk. The court clerk will also fill in the case number and assigned judge information requested on the Domestic Relations Information Sheet.

3. The identification of case types, primary and other claims for relief is for court data keeping purposes only and is not binding for any purpose. There is no wrong answer as long as the codes are taken from the attached list of codes. Insert the code for the primary case type (e.g. DCV for custody or visitation) and the primary claim for relief (e.g. DGC for grandparent visitation) using the codes listed on page three (3) of the cover sheet. It is possible for the case type and case codes to be the same. Please insert both. For statistical purposes, you can list only one primary case type and one primary claim or cause of action.

4. Other claims for relief. If you have other claims, type or print the codes for those claims as indicated.

5. The cover sheet is to be submitted to the clerk on one page. Unless there are more than four children, the information sheet is to be submitted on a single page. The clerk will key-enter the information on the cover sheet and place it in the court file. Only the cover sheet will be filed. The clerk will key-enter the information on the information sheet. The information sheet will not be filed in the court file.

6. Please print and include the "notes" to the clerk on the form submitted to the clerk.

7. If the party has more than one social security number, please include it. Pursuant to Sections 27-1-10 and 27-1-11 NMSA 1978 and federal law, each party must submit the social security number of each party as well as the name, date of birth and social security number for each minor child. This information will be provided to the State Case Registry and, upon request, to child support enforcement agencies. The parties' addresses and social security numbers are also used to accurately identify and track court users, obtain feedback from court users on a periodic basis and to issue process in contempt proceedings. Addresses provided on this page will not be made a part of the public record unless that party is or becomes self represented.

8. The Child Support & Paternity Case Registry is a required, nationwide database of child support and paternity orders. Access to registry information is strictly limited to court and child support administrative personnel. Requesting that your registry information be "nondisclosed" does not prevent authorized parties from reviewing the information. Rather, it alerts courts and child support administrative personnel to act with caution when viewing your information. However, be aware that requesting "nondisclosure" of registry information does not limit access to your official district court case file which is a public record. If you are concerned about such access, ask your lawyer, or the court clerk if you do not have a lawyer, about ways in which the court may restrict access to your court file.

[Provisionally approved as 4-211 NMRA, effective November 1, 1999 until November 1, 2000; approved, as amended, effective November 1, 2000; recompiled to 4A-101 NMRA.]

ANNOTATIONS

The **2000 amendment**, effective November 1, 2000 added Item 3 at the end of the Information Sheet and added Use Note 8.

Compiler's notes. — Pursuant to a court order dated October 27, 1999, this form is provisionally approved for twelve months effective November 1, 1999. Subsequently, by a court order dated October 23, 2000, this form was approved and adopted in its final form, effective November 1, 2000.

4A-102. Domestic relations information sheet.

DOMESTIC RELATIONS INFORMATION SHEET

(for self-represented people)

THIS SECTION FOR OFFICIAL USE ONLY¹

Case number: _____

Assigned judge: _____

The following information is required by New Mexico law and federal law for child support enforcement. The information also is needed to identify and keep up with your case. If child support is not paid, this information will help the court get the money for your child(ren).

1. Information regarding petitioner and respondent. *(Look at the paperwork you are giving to the court to see who is listed at the top as petitioner and respondent. Use a separate sheet if necessary.)*

Petitioner

Name: _____

(Last name, first, middle)

Other names *(e.g. maiden name)*: _____

Address: _____

City: _____

State: _____

Zip code: _____

Date of birth: _____

Social Security number²: _____

Respondent

Name: _____

(Last name, first, middle)

Other names *(e.g. maiden name)*: _____

Address: _____

City: _____

State: _____

Zip code: _____

Date of birth: _____

Social Security number²: _____

2. Parties' minor children. (Provide the date of birth and social security number for each minor child, if any. Use a separate sheet if necessary.)

Name: _____
(Last name, first, middle)

Date of birth: _____
Social Security number: _____

Name: _____
(Last name, first, middle)

Date of birth: _____
Social Security number: _____

Name: _____
(Last name, first, middle)

Date of birth: _____
Social Security number: _____

Name: _____
(Last name, first, middle)

Date of birth: _____
Social Security number: _____

Has any court made an order for child support? _____ Yes _____ No

Has any court changed the amount of child support you requested? _____ Yes _____ No

If your answer is "Yes" to either question, what state and what court are they located in?
_____ State _____ Court.

3. Request to limit access to information.
(Optional - complete only if applicable)

[] I have reason to fear domestic violence or child abuse. For this reason, please limit access to information about me in the Child Support & Paternity Case Registry⁴ to the extent possible. I realize that this request may make it more difficult to assist me in collecting child support. I also understand that the other party and the public might still view information about my case under some circumstances.

Under penalty of perjury, I affirm that this request is legitimately made and not designed to harass or intimidate the other party or mislead the court.

NOTE TO COURT CLERK:
DO NOT PLACE THIS INFORMATION SHEET IN THE COURT FILE.³

DOMESTIC RELATIONS INFORMATION SHEET INSTRUCTIONS

If you need more space to write, you can attach a separate sheet with the information.

To Petitioner:

If you and your spouse or the other person who owes child support have agreed on everything before this case was filed, then you must give the *Information Sheet* to the

court clerk with your petition.

If you do not agree it means the case is *contested*. If the case is contested, you **MUST** do two things:

1. give the information sheet to the court clerk; and
2. have a sheriff or process server give a blank copy of the *Information Sheet* to your spouse or other person who owes child support.

To Respondent:

You must submit the information sheet when you file your first paper with the court. You must write the name of the judge and the case number on the *Information Sheet*. You can find that information on the papers the petitioner gave you.

After you fill out this form, you will need to submit the other paper work required by law. If you choose to represent yourself in a claim, you may still wish to talk with an attorney to discuss your rights. The people who work in the court cannot give you legal advice.

Purpose:

You must give the information requested on the sheet for the State Case Registry. This information is required by federal and state law. The information is needed to identify and keep up with your case. If your child(ren) do not receive the child support ordered, this information will help the court get the money for your child(ren).

If you have more than one social security number, include all social security numbers. Social security numbers will be given to state and federal agencies which are required by law to collect the information. Social security numbers will not be given to the public. Your addresses are used by the court to obtain feedback from both of you.

USE NOTES

1. The information contained in the "official use only" section of the Domestic Relations Information Sheet, including the case number and assigned judge, will be filled in by the court clerk.
2. If the party has more than one social security number, please include it.
3. Unless there are more than four children, the information sheet is to be submitted on a single page. The clerk will key-enter the information on the information sheet. The information sheet will not be filed in the court file. **The Domestic Relations Information Sheet Instructions are not submitted to the court clerk.**
4. The Child Support & Paternity Case Registry is a required, nationwide database of child support and paternity orders. Access to registry information is strictly limited to court and child support administrative personnel. Requesting that your registry information be "nondisclosed" does not prevent authorized parties from reviewing the information. Rather, it alerts courts and child support administrative personnel to act with caution when viewing your information. However, be aware that requesting "nondisclosure" of registry information does not limit access to your official district court

case file which is a public record. If you are concerned about such access, ask your lawyer, or the court clerk if you do not have a lawyer, about ways in which the court may restrict access to your court file.

[Provisionally approved as 4-212 NMRA, effective November 1, 1999 to November 1, 2000; approved, as amended, effective November 1, 2000; recompiled as 4A-102 NMRA.]

ANNOTATIONS

The 2000 amendment, effective November 1, 2000, added Item 3 and Use Note 4.

Compiler's notes. — Pursuant to a court order dated October 27, 1999, this form is provisionally approved for twelve months effective November 1, 1999. Subsequently, by a court order dated October 23, 2000, this form was approved and adopted in its final form, effective November 1, 2000.

4A-111. Motion for temporary order (domestic relations actions).

STATE OF NEW MEXICO
_____ COUNTY
_____ JUDICIAL DISTRICT

Petitioner,

v.

No. _____

Respondent.

MOTION FOR TEMPORARY ORDER

*(domestic relations actions)*¹

I, _____ (*name of petitioner or respondent*) request the court to enter temporary orders for the purpose of:
(check all applicable alternatives)

- (1) [] temporary domestic order²;
- (2) [] temporary custody of minor children;
- (3) [] temporary parenting time;
- (4) [] temporary child support;
- (5) [] temporary division of community property;

- (6) [] temporary division of income and debts;
 temporary order withholding child support from
 (respondent's) (petitioner's) wages and having the
 (7) [] child support paid directly to
 _____ (petitioner)
 (respondent);
 (8) [] _____ (other).

 Signature of party or attorney

 Name (print)

 Address (print)

 City, state and zip code (print)

 Telephone number

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, _____ this motion was

[mailed by United States mail, postage prepaid, and addressed to:

Name: _____

Address: _____

City, state and zip code: _____]

[faxed by _____ (name of person who faxed) to
 _____ (defendant or defendant's attorney).

The transmission was reported as complete and without error. The time and date of the
 transmission was _____ (a.m.) (p.m.) on _____ (date).]

[e-mailed by _____ (name of person who transmitted) to
 _____ at _____ (electronic address of
 recipient) who agreed to service in this manner. The transmission was successful. The
 time and date of the transmission was _____ (a.m.) (p.m.) on
 _____ (date).]

 Signature of attorney

 Date of signature

*If this notice was served by a person other than an attorney, the following must also be
 completed and filed with the court:*

AFFIDAVIT OF SERVICE

I declare under penalty of perjury that a copy of this motion for temporary order was served by [mail] [fax] [electronic transmission] as described above on this _____ day of _____, _____.

Signature of person who made service

Subscribed and sworn to before me
this _____ day of _____, _____.

Judge, notary or other officer
authorized to administer oaths

Official title

USE NOTES

1. See Committee Commentary to Rule 1-120 NMRA for what constitutes a domestic relations action.
2. See Rule 1-121 NMRA and Domestic Relations Form 4A-112 NMRA for the Supreme Court approved Temporary Domestic Order.

[Approved, effective November 1, 2000 until November 1, 2001; approved, effective November 1, 2001.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated October 3, 2000, this form was provisionally approved for twelve months effective November 1, 2000. Subsequently, by a court order dated October 29, 2001, this form was approved and adopted in its final form, effective November 1, 2001.

4A-112. Temporary domestic order.

[1-121]

STATE OF NEW MEXICO

COUNTY

JUDICIAL DISTRICT

Petitioner,

v.

No. _____

_____,
Respondent.

TEMPORARY DOMESTIC ORDER¹

This order is issued pursuant to Rule 1-121 NMRA. This is not an order of protection under federal or state law. It is otherwise fully enforceable. It applies to both parties. This order will continue in effect until modified. The procedure for modification of this order is described below.

THE COURT ORDERS THE PARTIES AS FOLLOWS:

(1) **Do not** injure or physically or mentally abuse, molest, intimidate, threaten or harass the other party or any child of either party.

(2) **Do not** interfere with the relationship of your spouse with any child of either party. If you are living apart, you shall each continue to have frequent contact and communication with any minor child of both parties, personally and by telephone. A party shall notify the other party of any change of address or telephone number within twenty-four (24) hours of the change.

(3) **Do not** change a child's school, religion, child care, doctor, dentist, physical or mental treatment or recreational activities in which the child has been participating.

(4) **Do not** remove, cause or permit the removal of any minor child of both parties from the State of New Mexico without court order or written consent of the other party.

(5) **Do not** make the other party leave the family home, whether it be community or separate property, without court order. You should attempt to resolve the question of who leaves the home in a fair manner. If you cannot agree, you must ask the court to decide.

(a) Whoever moves from the family home may return to pick up personal belongings at a reasonable time as you may agree. Personal belongings do not include furniture unless you agree or the court permits. If an order prohibiting domestic violence has been entered, you must arrange to have a law enforcement officer present to monitor the removal of personal belongings. The party moving out of the residence is not prejudiced by reason of the move in any way with respect to custody of any minor child, with respect to a claim of any interest in the family residence or the personal property in or on the premises.

(b) Whoever leaves the family residence shall notify the other party, within twenty-four (24) hours of an address where the vacating party can receive mail.

(c) At a reasonable time, you are entitled to examine the contents of the marital residence and to have access to all properties owned by either of you, for inspection, valuation or appraisal. If you ask, the other party must provide access to the home within fifteen (15) days after the date of the request.

(6) **Do not** incur unreasonable or unnecessary debts. Any debt that does not contribute to the benefit of both spouses or the minor children of the parties which is incurred after you have separated, may be the separate debt of the party who incurs the debt.

(7) **Do not** sell, remove, transfer, dispose of, hide, encumber or damage any property, real or personal, community or separate, except in the usual course of business or for the necessities of life. Keep an accounting of any transactions to show to the court.

(8) **Do not** drop or cancel any insurance policy, including automobile or other vehicle insurance, household insurance, medical or dental insurance or life insurance.

(9) **Do not** terminate or change the beneficiaries of any existing life insurance policy.

(10) **Do not** close any financial institution account² or cancel any credit cards nor remove the other party from any credit card account during pendency of this case, unless the parties otherwise agree in writing.

MODIFICATION BY COURT³

This order may be modified by the court upon request of either party. To request the court to modify this order, a motion must be filed with the clerk of the court. The motion must include reference to each paragraph number the party is requesting to be modified or terminated. The party making the request must provide the other party with a copy of the motion requesting the change. If the other party agrees with the request, an order approving the request, which has been initialed by both parties as "approved", shall be filed with the motion.

WAIVER BY PARTIES

The parties may modify a specific provision of this order by entering into a written agreement and filing it with the court. The parties may also waive a provision of this order on a specific occasion if both parties sign an agreement to waive the provision. A waiver must include the paragraph number of each paragraph waived by the parties.

OTHER ORDERS

If an order of protection from a domestic violence case has been served on either party or if there is any other order in effect governing the relationship of the parties, and

there is a conflict between this order and the other order, the other order controls unless the court specifically orders otherwise.

VIOLATIONS

Violation of this court order may result in the imposition of a fine or imprisonment. This order is binding on the petitioner at the time the petition is filed. This order is effective on the respondent two (2) days after it is served on the respondent. The parties are cautioned that actions taken by either party that are contrary to the terms of this order are subject to redress by the court, including costs and attorney fees.

Date

District Judge

USE NOTES

1. A scheduling order may be issued at the time a domestic relations case is docketed and served with the petition, however, the scheduling order must be issued as a separate order.
2. See Section 58-1-7 NMSA 1978 for notice to any bank of an adverse claim to a bank account.
3. Within two (2) days after service of this order, a party may file a motion requesting a hearing to dissolve this order. If the court finds the motion was frivolous or was not filed in good faith it may assess the party filing the motion with costs and attorney fees.

[Approved, effective November 1, 2000 until November 1, 2001; approved, effective November 1, 2001.]

ANNOTATIONS

Committee commentary. — This form deviates from the forms used by some judicial districts, however, the changes are necessary to comply with due process requirements. See Rules 1-121 and 1-066(B) NMRA.

Compiler's notes. — Pursuant to a court order dated October 3, 2000, this form was provisionally approved for twelve months effective November 1, 2000. Subsequently, by a court order dated October 29, 2001, this form was approved and adopted in its final form, effective November 1, 2001.

4A-113. Motion to modify temporary order (domestic relations actions).

STATE OF NEW MEXICO
_____ COUNTY
_____ JUDICIAL DISTRICT

_____,
Petitioner,

v. _____ No. _____

_____,
Respondent.

MOTION TO MODIFY TEMPORARY ORDER

(domestic relations actions)¹

I, _____ (*name of petitioner or respondent*) request the court
to:
(*check and complete applicable alternatives*)

modify paragraph _____ of the temporary domestic order as follows:

_____.

terminate the temporary domestic order because:

_____.

terminate or modify the temporary child support because:

_____.

modify the temporary division of income and debts of the parties because²:

_____.

dismiss the temporary restraining order because³:

_____.

[] terminate or modify the temporary wage withholding order because:

_____.

Signature

Name (printed)

(Address)

Telephone number

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, _____
this motion was

[mailed by United States mail, postage prepaid, and addressed to:

Name: _____

Address: _____

City, state and zip code: _____]

[faxed by _____ (*name of person who faxed*) to
_____ (*defendant or defendant's attorney*). The transmission
was reported as complete and without error. The time and date of the transmission was
_____ (a.m.) (p.m.) on _____ (*date*).]

[e-mailed by _____ (*name of person who transmitted*) to
_____ at _____ (*electronic address of
recipient*) who agreed to service in this manner. The transmission was successful. The
time and date of the transmission was _____ (a.m.) (p.m.) on
_____ (*date*).]

Signature of attorney

Date of signature

*If this notice was served by a person other than an attorney, the following must also be
completed and filed with the court:*

AFFIDAVIT OF SERVICE

I declare under penalty of perjury that a copy of this motion was served by [mail] [fax] [electronic transmission] as described above on this _____ day of _____, _____.

Signature of person who made service

Subscribed and sworn to before me
this _____ day of _____, _____.

Judge, notary or other officer
authorized to administer oaths

Official title

Signature

Date of signature

USE NOTES

1. This form may be used anywhere in this state to request the court to modify a temporary order entered by the court.
2. If a court order of temporary division of income and debts is being challenged, you must complete an "interim income and expense" form and file it with the court at the time you file this response.
3. If you believe that your spouse may injure you or cause some other harm to you, your the children or other household member, you may file a petition for a temporary restraining order or you may file a "Petition for Order for Protection from Domestic Abuse".

[Approved, effective November 1, 2000 until November 1, 2001; approved, effective November 1, 2001.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated October 3, 2000, this form was provisionally approved for twelve months effective November 1, 2000. Subsequently, by a court order dated October 29, 2001, this form was approved and adopted in its final form, effective November 1, 2001.

4A-121. Notice of hearing for interim order dividing income and expenses and order for production.

[1-122]

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT

_____,
Petitioner,

v.

No. _____

_____,
Respondent.

**NOTICE OF HEARING
FOR INTERIM ORDER DIVIDING
INCOME AND EXPENSES
AND ORDER FOR PRODUCTION¹**

1. A hearing to allocate income and expenses or set interim child support shall be held on the _____ day of _____, _____ at _____ (a.m.) (p.m.) at _____ (*location*).

2. At least five (5) days prior to the hearing, the parties shall exchange the following:

a. the parties' completed Interim Monthly Income and Expenses Statement²;

b. the parties' most recent state and federal income tax returns, including all schedules;

c. each party's three (3) most recent pay stubs, unless self-employed, in which case the parties shall be required to produce the most recent profit and loss statement and a copy of CRS-1 forms for the last six (6) months and income and expense statements for the last six (6) months;

d. all financial institution accounts, including checking and savings account statements, for the past six (6) months;

e. documentation of all monthly fixed expenses;

- f. credit card statements for the six (6) month period preceding the date the petition was filed; and
- g. all exhibits intended to be introduced.

The parties shall also bring to the hearing a copy of the information required to be exchanged and a proposed interim monthly income and expense statement. Failure to disclose and produce information pursuant to this paragraph may result in the information being excluded and may result in the requested relief being granted or denied.

District Judge

USE NOTES

- 1. This form is required to be used when the court provides an interim allocation of income and expenses. See Rule 1-122 NMRA.
- 2. See Domestic Relations Form 4A-122 NMRA for the Interim Monthly Income and Expense Statement.

[Approved, effective November 1, 2000 until November 1, 2001; approved, effective November 1, 2001.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated October 3, 2000, this form was provisionally approved for twelve months effective November 1, 2000. Subsequently, by a court order dated October 29, 2001, this form was approved and adopted in its final form, effective November 1, 2001.

4A-122. Interim monthly income and expenses statement.

[1-122]

STATE OF NEW MEXICO
 COUNTY OF _____
 _____ JUDICIAL DISTRICT

_____,
 Petitioner,

v.

No. _____

_____,
 Respondent.

INTERIM MONTHLY INCOME AND EXPENSES STATEMENT¹

(fixed percentage for child expenses)

STATE OF NEW MEXICO)
) ss.
 COUNTY OF _____)

I, _____ (*petitioner*) (*respondent*) state under penalty of perjury that the following is true and correct at this time:

	Husband Column 1	Wife Column 2	Combined Column 3
1. Gross monthly income ²			
a. Gross monthly wages	\$ _____	\$ _____	\$ _____
b. Rental income	\$ _____	\$ _____	\$ _____
c. Self-employment income	\$ _____	\$ _____	\$ _____
d. Dividends and interest	\$ _____	\$ _____	\$ _____
e. Other income	\$ _____	\$ _____	\$ _____
2. Total gross monthly income	\$ _____	\$ _____	\$ _____
3. Payroll deductions ³			
a. Federal withholding	\$ _____	\$ _____	\$ _____
b. State withholding	\$ _____	\$ _____	\$ _____
c. Estimated tax payments	\$ _____	\$ _____	\$ _____
d. FICA	\$ _____	\$ _____	\$ _____
e. Medicare	\$ _____	\$ _____	\$ _____
f. Health insurance	\$ _____	\$ _____	\$ _____
g. Life and disability insurance	\$ _____	\$ _____	\$ _____

h. Union dues	\$	\$	\$
i. Mandatory retirement	\$	\$	\$
j. Other_____	\$	\$	\$
4. Total payroll deductions	\$	\$	\$
<i>(Add items in #3)</i>			
5. Net monthly income	\$	\$	\$
<i>(Subtract Line 4 from Line 2)</i>			
6. Monthly fixed expenses ⁴ :			
a. Residence ⁵	\$	\$	\$
b. Utilities ⁶	\$	\$	\$
c. Car payments	\$	\$	\$
d. Insurance premiums	\$	\$	\$
(1) Car or other vehicle	\$	\$	\$
(2) Life ⁷	\$	\$	\$
(3) Health ⁷	\$	\$	\$
(4) Homeowners ⁸ or renters	\$	\$	\$
(5) Other	\$	\$	\$
e. Day care ⁹	\$	\$	\$
f. Credit card payments ¹⁰	\$	\$	\$
g. Loan payments	\$	\$	\$
h. Child support payments ¹¹	\$	\$	\$
i. Medical	\$	\$	\$

j. Other _____	\$ _____	\$ _____	\$ _____
7. Total monthly fixed expenses	\$ _____	\$ _____	\$ _____
<i>(Add items in #6 and #7)¹²</i>			
8. Net spendable income	\$ _____	\$ _____	\$ _____
<i>(Line 5 minus Line 7)</i>			
9. 1/2 of combined net spendable income <i>(1/2 of Line 8 Column 3)¹³</i>	\$ _____	\$ _____	\$ _____
10. Amount transferred and received ¹⁴	\$ _____	\$ _____	\$ _____
11. Child support adjustment ¹⁵	\$ _____	\$ _____	\$ _____
<i>(see table, Use Note 15)</i>			
12. Total to be transferred ¹⁶	\$ _____	\$ _____	\$ _____

Signature

Subscribed to and sworn to before me this _____ day of _____, _____, by _____.

Notary Public

USE NOTES

1. This form is to be used with an Interim Order Allocating Income and Expenses, Domestic Relations Form 4A-123 NMRA. Unless, upon motion of a party, the court orders the division of separate income and expenses, only community income and expenses should be included on this form. In minimal or negative income cases, the court will have discretion to fashion an appropriate order.

2. "Gross monthly income" is income from all sources except child support received from a prior court order. For self-employed individuals, gross monthly income means gross receipts less reasonable and ordinary business expenses. For varying income and expenses use the average of the last three (3) months' income and expenses.

Gross monthly income is to be computed by using one of the following: hourly wage x average hours worked per week x 52 divided by 12; weekly wage x 52 divided

by 12; every two weeks wage x 26 divided by 12; twice monthly x 2. For varying wages, use the average of the last three months' income.

3. "Deductions" are payroll deductions for taxes, social security, health insurance, union dues, retirement and other employer-related deductions. Payroll deductions are to be computed on a monthly basis as described in Use Note 2.

4. "Monthly fixed expenses" include periodic expenses even though paid quarterly, semiannually or yearly. Fixed expenses are to be computed on a monthly basis by using one of the following: annual income or expenses divided by 12. For varying expenses, use the average of the last three months' receipts or expenses.

5. Residence fixed expense is mortgage or rent actually paid. If a party receives free rent, e.g., by living with parents, that party's rent is imputed as zero. If residence expense is a mortgage payment for the residence of a party, unless already separately stated, include insurance and taxes.

6. Include monthly average payments for gas, electricity, water, sewer, refuse and basic telephone bill, if not paid as part of rent. Use average for last 12 months if known.

7. Do not include medical, dental, liability, life or other insurance that is deducted by payroll deduction.

8. Do not include homeowners insurance premiums if the premium is included as part of the residence expense, Line 6(a).

9. Day care fixed expense is work-related day care and does not include baby-sitting or occasional day care.

10. "Credit card payments" is listed as a fixed expense and includes only the minimum monthly payment as of the date of the filing of the petition.

11. Any regular monthly payment ordered by a prior order of child support or alimony, which is actually paid, is a fixed expense.

12. Line 8. "Net spendable income" and "combined net spendable income" are determined by subtracting Line 7, "total monthly fixed expenses", from Line 5, "net monthly income".

Negative combined net spendable income. If the "combined net spendable income" (Line 8, Column 3) is a negative number, and there are no children, adjust the allocations of income or expenses between the parties, or transfer an amount from one party to another so that the amount of net spendable income for the "Husband" and "Wife" on Line 9 is equal. Do not complete Lines 10, 11 and 12. If Line 8, Column 3 has a negative or minimal "combined net spendable income", and there are children, the

court will need to fashion an appropriate form to divide interim income and expenses of the parties.

13. Line 9. Equalizing spendable income. If "net spendable income" on Line 8, Column 3, is a positive number, divide "combined net spendable income" by two and enter the result in each column of Line 9.

14. Line 10. Amount transferred and received. The party with the larger net spendable income will transfer an equalizing amount to the party with the smaller net spendable income. To determine the amount of the transfer or receipt, subtract Line 9 (one-half of combined net spendable income) from Line 8, "net spendable income" and enter the amount on Line 10. This is the amount to be transferred by the party with the larger net spendable income to the party with the lower net spendable income.

For example, if the husband has a net spendable income of \$1,000.00 per month and the wife has a net spendable income of \$500.00 per month, divide the total, \$1,500.00, by two. Since the husband has the larger net spendable income, enter the result, \$750.00, on Line 9, under Column 1. To determine the amount the husband transfers, subtract Line 9 of Column 1 from Line 8 of Column 1 (\$1,000.00 minus \$750.00 = \$250.00) and this amount (\$250.00) will be transferred each month by the husband to the wife.

15. Line 11. Children. If Line 8, Column 3, is a positive number, an adjustment for child support is made by multiplying the amount on Line 8, Column 3 (combined "net spendable income") by the applicable percentage in the table below and enter the amount in the party column of the party with primary custody of the child or children. Do not count children who are covered by a prior child support order.

One child	10%
Two children	15%
Three children	19%
Four children	22%
Five children	25%
Six children	28%

If more than six children, add three percent (3%) for each additional child.

For example, if the combined "net spendable income" of husband and wife (Column 3, Line 8, is \$1,500.00) and there is one child multiply, Column 3, Line 8, (\$1,500.00 by ten percent (10%)) and enter the result, (\$150.00) on Line 11 in the Husband and Wife columns.

16. Line 12. Total amount transferred. Line 11 is used to adjust the amount to be transferred by a party or received by a party on Line 10 by the parties. Using the example in Use Notes 14 and 15, if there is one child and the combined net spendable income of the parties is \$1,500.00, an adjustment of ten percent (10%) of \$1,500.00

(\$150.00) is made for child support. If the wife has primary custody, she will receive another \$150.00. If the husband has primary custody, subtract \$150.00 from the amount the wife is to receive on Line 10. Using the example in Use Notes 14 and 15, if the wife has primary custody, the husband will transfer \$400.00 to the wife. If the husband has primary custody, the husband will transfer \$100.00 to the wife.

[Approved, effective November 1, 2000 until November 1, 2001; approved, effective November 1, 2001.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated October 3, 2000, this form was provisionally approved for twelve months effective November 1, 2000. Subsequently, by a court order dated October 29, 2001, this form was approved and adopted in its final form, effective November 1, 2001.

4A-123. Interim order allocating income and expenses.

[1-122]

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT

_____,
Petitioner,

v.

No. _____

_____,
Respondent.

INTERIM ORDER ALLOCATING INCOME AND EXPENSES¹

This matter having come on for a hearing by the court and the court being sufficiently advised **FINDS, CONCLUDES AND ORDERS:**

1. NOTICE AND APPEARANCES

(check only applicable paragraphs)

Petitioner was present.

Petitioner was represented by counsel.

Respondent was present.

[] Respondent was represented by counsel.

[] Respondent was properly served with a copy of the notice of hearing on the motion for temporary order dividing income and expenses.

2. The parties have agreed to the income and expenses of the parties except:

3. The parties shall receive the income and pay the expenses as listed on the Interim Monthly Income and Expense Statement.

4. Each party shall presumptively be responsible for any debts the party incurs during the pendency of this case.

5. Any assets obtained by either party after the entry of this order from that party's share of net spendable income are presumptively the separate property of the obtaining party.

6. Each party shall use the party's share of the income to pay the party's respective expenses for food, clothing, telephone, utilities, gasoline, car maintenance, entertainment, meals out, haircuts, attorney fees, ordinary medical and dental expenses and other personal expenses.

7. _____ (*name of party*) shall pay to _____ (*name of party*) _____ dollars (\$_____)² per month by check or money order, delivered or postmarked on or before the _____ of each month during the pendency of this case.

8. The medical and dental expenses of the child or children not covered by insurance shall be paid one-half by each party.

9. Notwithstanding entry of this order, all claims and defenses are preserved.

10. This order shall remain in effect during the pendency of this case except as modified by court order.

11. Disobedience of this order can constitute contempt of court and subject the violator to fine, imprisonment and other sanction, plus payment of attorney fees and costs to the other party.

District judge

Recommended by:

Hearing officer

Attorney for petitioner

Attorney for respondent

CERTIFICATE OF MAILING

I _____, certify that I caused a copy of this report and recommendations to be served on the following persons by (delivery) (mail) on this _____ day of _____, _____:

(1) _____
(Name of party)

(2) _____
(Name of party)

Attorney

USE NOTES

1. This form is used with Domestic Relations Form 4A-122 NMRA.
2. For the amount to be transferred or paid, see Line 12 of Domestic Relations Form 4A-122 NMRA.

[Approved, effective November 1, 2000 until November 1, 2001; approved, effective November 1, 2001.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated October 3, 2000, this form was provisionally approved for twelve months effective November 1, 2000. Subsequently, by a court order dated October 29, 2001, this form was approved and adopted in its final form, effective November 1, 2001.

4A-131. [Petitioner] [and] [respondent]'s community property and liabilities schedule.

[1-123]

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT

Petitioner,

v.

No. _____

_____,
Respondent.

**[PETITIONER] [AND] [RESPONDENT] 'S COMMUNITY PROPERTY
AND LIABILITIES SCHEDULE**

Neither party is required to submit a proposed distribution. Any stipulation regarding value or distribution should be indicated by an asterisk.

ASSETS

		Value		
		Husband	Wife	Combined
1. Cash		\$ _____	\$ _____	\$ _____
2. Financial institution accounts: ¹				
a.	_____ Account # _____	\$ _____	\$ _____	\$ _____
b.	_____ Account # _____	\$ _____	\$ _____	\$ _____
c.	_____ Account # _____	\$ _____	\$ _____	\$ _____
d.	_____ Account # _____	\$ _____	\$ _____	\$ _____
3. Stocks, bonds and mutual funds:				
a.	_____ Sh. _____	\$ _____	\$ _____	\$ _____
b.	_____ Sh. _____	\$ _____	\$ _____	\$ _____
c.	_____ Sh. _____	\$ _____	\$ _____	\$ _____
4. Insurance policies:				
a.	Company _____			
	[Face amount \$ _____]			
	Cash value	\$ _____	\$ _____	\$ _____
	Loan balance \$ _____	\$ _____	\$ _____	\$ _____
b.	Company _____			
	[Face amount \$ _____]			
	Cash value	\$ _____	\$ _____	\$ _____
	Loan balance \$ _____	\$ _____	\$ _____	\$ _____
5. Real estate:				
a.	_____ \$ _____			
	Mortgage (\$/mo) \$ _____			

REC (\$/mo)	\$ _____			
Cost of sale				
(\$/%)	\$ _____	\$ _____	\$ _____	\$ _____
b. _____	\$ _____			
Mortgage (\$/mo)	\$ _____			
REC (\$/mo)	\$ _____			
Cost of sale				
(\$/%)	\$ _____	\$ _____	\$ _____	\$ _____
6. Vehicles:				
a. _____	\$ _____			
Lien (\$/mo)	\$ _____	\$ _____	\$ _____	\$ _____
b. _____	\$ _____			
Lien (\$/mo)	\$ _____	\$ _____	\$ _____	\$ _____
7. Business assets		\$ _____	\$ _____	\$ _____
8. Household furniture and goods		\$ _____	\$ _____	\$ _____
9. Tax refunds		\$ _____	\$ _____	\$ _____
10. IRA/Keogh/Annuity		\$ _____	\$ _____	\$ _____
11. Retirement		\$ _____	\$ _____	\$ _____
12. Retirement		\$ _____	\$ _____	\$ _____
13. Other total assets		\$ _____	\$ _____	\$ _____
Total assets		\$ _____	\$ _____	\$ _____
LIABILITES	(Mo/Pmt)	Value:	Husband:	Wife:
1. _____	\$ (_____)	\$ _____	\$ _____	\$ _____
2. _____	\$ (_____)	\$ _____	\$ _____	\$ _____
3. _____	\$ (_____)	\$ _____	\$ _____	\$ _____
4. _____	\$ (_____)	\$ _____	\$ _____	\$ _____
5. Tax Liability	\$ (_____)	\$ _____	\$ _____	\$ _____
Total liabilities:	\$ (_____)	\$ _____	\$ _____	\$ _____
ESTIMATED NET ASSETS:		\$ _____	\$ _____	\$ _____
Equalization of Assets:		\$ _____	\$ _____	\$ _____
EQUAL ASSETS:		\$ _____	\$ _____	\$ _____

I have read the foregoing and the amounts are true and correct. I understand that if I make a material misstatement of fact, I may be prosecuted and punished for perjury.

Signature

Name *(print)*

Address *(print)*

City, state and zip code *(print)*

Telephone number

NOTARY PUBLIC

Signed and sworn to before me this _____ day of _____,
_____.

My commission expires: _____.

USE NOTE

1. Include all checking, savings and money market accounts and certificate of deposits.

[Approved, effective November 1, 2000 until November 1, 2001; approved, effective November 1, 2001.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated October 3, 2000, this form was provisionally approved for twelve months effective November 1, 2000. Subsequently, by a court order dated October 29, 2001, this form was approved and adopted in its final form, effective November 1, 2001.

4A-132. [Petitioner] [and] [respondent]'s separate property and liabilities schedule.

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT

_____,
Petitioner,

v.

No. _____

_____,
Respondent.

**[PETITIONER] [AND] [RESPONDENT] 'S SEPARATE
PROPERTY AND LIABILITIES SCHEDULE**

ASSETS:

Husband

Wife

1. Checking & Savings Accounts:

a. _____ Bk, Ck. # _____	\$ _____	\$ _____
b. _____ Bk, Sav. # _____	\$ _____	\$ _____
c. _____ CD # _____	\$ _____	\$ _____
d. _____ Cr Un # _____	\$ _____	\$ _____

2. Bonds/Stocks:

a. _____ Sh. _____	\$ _____	\$ _____
b. _____ Sh. _____	\$ _____	\$ _____

3. Financial institution accounts:¹

a. _____ Account # _____	\$ _____	\$ _____
b. _____ Account # _____	\$ _____	\$ _____
c. _____ Account # _____	\$ _____	\$ _____
d. _____ Account # _____	\$ _____	\$ _____

4. Stocks, bonds and mutual funds:

a. _____ Sh. _____	\$ _____	\$ _____
b. _____ Sh. _____	\$ _____	\$ _____
c. _____ Sh. _____	\$ _____	\$ _____

5. Insurance policies:

a. Company _____

Policy No. _____

Face amount \$ _____

Cash value \$ _____

Loan balance \$ _____ \$ _____ \$ _____

b. Company _____

Policy No. _____

Face amount \$ _____

Cash value \$ _____

Loan balance \$ _____ \$ _____ \$ _____

6. Real estate:

a. _____

Present value	\$ _____		
Mortgage (\$/mo)	\$ _____		
REC (\$/mo)	\$ _____	\$ _____	\$ _____
b. _____			
Present value	\$ _____		
Mortgage (\$/mo)	\$ _____		
REC (\$/mo)	\$ _____	\$ _____	\$ _____
7. Vehicles:			
a. _____		\$ _____	\$ _____
Lien (\$/mo)		\$ _____	\$ _____
b. _____		\$ _____	\$ _____
Lien (\$/mo)		\$ _____	\$ _____
8. Business assets		\$ _____	\$ _____
9. Household furniture and goods		\$ _____	\$ _____
10. Tax refunds		\$ _____	\$ _____
11. IRA/Keogh/Annuity		\$ _____	\$ _____
12. Retirement		\$ _____	\$ _____
13. Retirement		\$ _____	\$ _____
14. Other total assets		\$ _____	\$ _____
Total Separate Assets:		\$ _____	\$ _____
LIABILITIES:			
a. _____		\$ _____	\$ _____
b. _____		\$ _____	\$ _____
c. _____		\$ _____	\$ _____
d. _____		\$ _____	\$ _____
Total Separate Liabilities:		\$ _____	\$ _____
NET SEPARATE PROPERTY:		\$ _____	\$ _____

I have read the foregoing and the amounts are true and correct. I understand that if I make a material misstatement of fact, I may be prosecuted and punished for perjury.

Signature

Name (*print*)

Address (*print*)

City, state and zip code (*print*)

Telephone number

NOTARY PUBLIC

Signed and sworn to before me this _____ day of _____,
_____.

My commission expires: _____

[Approved, effective November 1, 2000 until November 1, 2001; approved, effective November 1, 2001.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated October 3, 2000, this form was provisionally approved for twelve months effective November 1, 2000. Subsequently, by a court order dated October 29, 2001, this form was approved and adopted in its final form, effective November 1, 2001.

Pro Se Forms

4A-201. Domestic relations forms for self-represented parties; limited purpose of forms; cautions regarding use of forms.

A. **Pro se forms.** Domestic Relations Forms 4A-201 to 4A-332 NMRA have been approved by the New Mexico Supreme Court for use in the district court by people who are representing themselves in uncontested divorce and paternity cases. The forms will assist self-represented parties in completing the paperwork necessary to complete most uncontested dissolution of marriage cases and most uncontested actions to lawfully establish paternity of one or more children.

B. **Responsibility of self-represented party.** A self-represented person must abide by the same rules of procedure and rules of evidence as lawyers. It is the responsibility of self-represented parties to determine what needs to be done and to take the necessary action. Those persons seeking a divorce may need the advice of an attorney or other appropriate professional during the process.

C. **Issues not addressed.** Domestic Relations Forms 4A-201 through 4A-332 NMRA do not address many issues, including, but not limited to, the following:

(1) how to collect information regarding the property, debts and income of the parties;

- (2) the rights and obligations of married persons before and after a divorce;
- (3) federal and state tax treatment of income and expenses both before and after a divorce or as a result of a child support order;
- (4) how to transfer title to property or assets; or
- (5) how to divide any retirement income. If the parties are dividing retirement income, they must comply with the requirements of the retirement fund.

D. Role of judge and clerk. Neither the judge nor the clerk of the court will assist the parties in the completion of the forms or with the issues described in Paragraph C of this rule. Court clerks may provide the parties with information about how to file these forms with the court. The judge decides the issues in the case, but cannot represent either party. The judge cannot and will not give the parties advice about how to fill out these forms.

[Approved, effective November 15, 2002.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated November 5, 2002, this form was approved and adopted in its final form, effective November 15, 2002.

4A-202. Definitions.

As used in Domestic Relations Forms 4A-201 to 4A-341 NMRA:

- A. "dissolution of marriage" means a "divorce";
- B. "minor child" means a child who is under eighteen (18) years of age and who is the child of both parties to a divorce or paternity proceeding;
- C. "parenting plan and child support obligation" means the order of the court containing the obligations of the parents of minor children relating to:
 - (1) child custody;
 - (2) visitation; and
 - (3) support, including support of a child under nineteen (19) years of age who is attending high school.

The parenting plan and child support obligation becomes a court order when it is approved by the judge as part of the final decree;

D. "party" means a husband or wife in a divorce or paternity proceeding;

E. "petition for dissolution of marriage" requests a divorce;

F. "petitioner" means the first party on a petition requesting the court to enter an order for the dissolution of marriage or for an order establishing the paternity of a minor child. This person is referred to as a "petitioner" solely for purposes of identifying the parties in the court system. In an uncontested divorce or paternity proceeding, the parties will need to decide who will be shown as the petitioner;

G. "respondent" means the person who is identified for court purposes as the respondent. In an uncontested divorce or paternity proceeding, the parties will need to decide who will be shown as the respondent; and

H. "wage withholding order" is an order that allows child support to be withheld from the wages of one parent.

[Approved, effective November 15, 2002.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated November 5, 2002, this form was approved and adopted in its final form, effective November 15, 2002.

4A-203. Forms not available through courts.

A. **Other types of forms needed.** The domestic relations forms do not include separate forms which may be required to transfer or change legal title to property. The parties will need to obtain the appropriate forms to:

(1) transfer title to real estate, such as land, a house or a building;

(2) transfer title to a car, mobile home, truck or other motor vehicle;

(3) transfer a retirement account, including an IRA or pension plan. If the husband and wife are dividing retirement, they must comply with the requirements of the retirement plan.

B. **Debts.** These forms, including the final decree of dissolution of marriage, do not change the legal responsibility of a husband and wife to pay their creditors.

[Approved, effective November 15, 2002.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated November 5, 2002, this form was approved and adopted in its final form, effective November 15, 2002.

4A-204. Domestic relations forms; divorce cases; forms needed; filing fee.

A. **Forms to be filed.** In an uncontested divorce proceeding, the parties need to file the following completed forms with the court:

(1) a Domestic Relations Information Sheet, Domestic Relations Form 4A-102 NMRA;

(2) a Petition for Dissolution of Marriage. There are two forms provided for uncontested divorce cases:

(a) use Domestic Relations Form 4A-301 NMRA if there are no children; and

(b) use Domestic Relations Form 4A-302 NMRA if the parties have minor children;

(3) a Verified Marital Settlement Agreement. Once the judge signs the Final Decree of Dissolution of Marriage form, the parties are required to do the things agreed to do in the Verified Marital Settlement Agreement. There are two Verified Marital Settlement Agreement forms provided for uncontested divorce cases:

(a) use Domestic Relations Form 4A-311 NMRA unless the parties have a home, mobile home, a motor vehicle or will divide retirement or a pension. Do not use this form if spousal support will be paid; and

(b) use Domestic Relations Form 4A-312 NMRA if the parties own a home, mobile home, motor vehicle, retirement plan or if spousal support is to be paid;

(4) a Final Decree of Dissolution of Marriage. There are two final decree forms provided for uncontested divorce cases:

(a) use Domestic Relations Form 4A-321 NMRA when there are no minor children; and

(b) use Domestic Relations Form 4A-322 NMRA when the parties have minor children; and

(5) if the parties have minor children or the parties have a child under nineteen (19) years of age who is attending high school, a Parenting Plan and Child Support Obligation. Domestic Relations Form 4A-313 NMRA is provided. Once the judge signs the Final Decree of Dissolution of Marriage form, the parties are ordered by

the court to do the things they have agreed to do in the Parenting Plan and Child Support Obligation; and

(6) if the parties have minor children or a child under nineteen (19) who is attending high school, a child support worksheet. See Section 40-4-11.1 NMSA 1978 for the child support worksheet. It is recommended that self-represented parties use the interactive child support worksheet form that is available on the Internet at www.nmcourts.com, click on "*Family Law Forms*". This form automatically determines the monthly child support obligation.

B. Type or print. The parties must type or print all of the information required to be completed on the forms. Many forms may be downloaded and completed or completed on-line. See Domestic Relations Form 4A-100 NMRA for the availability of forms. If a pre-printed form is being used by the parties and there is not enough room on the form to provide all of the information required, use a separate page for the information and staple the page to the pre-printed form before making copies and filing the form with the court.

C. Sign the pleadings. A party's signature on a pleading or paper filed with the court constitutes a certificate that the party has read the paper and that to the best of the party's knowledge, information and belief there is good grounds to support it.

D. Forms required to be signed before a notary. Both the husband and wife must sign the following pleadings and papers before a notary:

(1) the Petition for Dissolution of Marriage, Domestic Relations Forms 4A-301 or 4A-302 NMRA;

(2) the Verified Marital Settlement Agreement, Domestic Relations Forms 4A-311 or 4A-312 NMRA;

(3) if there are minor children or a child under nineteen (19) years of age who is attending high school, the Parenting Plan and Child Support Obligation, Domestic Relations Form 4A-313 NMRA.

E. File the forms with the court. After the parties have completed and signed the forms, the parties must file them with the court clerk.

F. Required number of copies. After completing the forms, make two (2) copies. An original and two (2) copies of each form must be filed.

G. Pay the filing fee. A filing fee must be paid to the clerk in cash or money order at the time the petition and information sheet are filed unless free process is approved.

[Approved, effective November 15, 2002.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated November 5, 2002, this form was approved and adopted in its final form, effective November 15, 2002.

4A-205. Parenting plan and child support worksheet; wage withholding order.

A. Parenting Plan and Child Support Obligation. A Parenting Plan and Child Support Obligation, Domestic Relations Form 4A-313 NMRA, is required:

(1) in a divorce proceeding if the parties are the parents of one or more children under eighteen (18) years of age or a child under nineteen (19) years of age who is attending high school; or

(2) in a proceeding to establish the paternity of one or more children under eighteen (18) years of age or the paternity of a child under nineteen (19) years of age who is attending high school.

The court may require the use of a different parenting plan. The parties will need to check with the clerk of the court to determine the appropriate form prior to completing a parenting plan.

B. Child support worksheet. A child support worksheet must be completed before the judge will decide the amount of child support that will be required to be paid. See Section 40-4-11.1 NMSA 1978 for the child support worksheet. It is recommended that self-represented parties use the interactive child support worksheet form that is available on the Internet at www.nmcourts.com, click on "*Family Law Forms*". This form automatically determines the monthly child support obligation. If the parties have agreed upon a different child support obligation than the amount calculated using the child support worksheet, the parties must explain why a different amount is proposed by the parties. The judge will decide if a different child support amount may be paid.

C. Wage Withholding Order. The Wage Withholding Order, Domestic Relations Form 4A-341 NMRA, provides for wages to be withheld from a parent's paycheck for payment of child support. If a party does not want child support to be withheld from the party's paycheck, the party must explain to the judge how child support will be paid. The court will sign a wage withholding order upon request of either party.

[Approved, effective November 15, 2002.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated November 5, 2002, this form was approved and adopted in its final form, effective November 15, 2002.

4A-206. Uncontested petition for paternity; forms needed; filing fee.

A. **Forms to be filed.** In an uncontested paternity proceeding, the parties need to file the following completed forms with the court:

(1) a Domestic Relations Information Sheet, Domestic Relations Form 4A-102 NMRA is required;

(2) a Petition to Establish Parentage, Domestic Relations Form 4A-331 NMRA is provided; and

(3) a Final Decree of Parentage. Domestic Relations Form 4A-332 NMRA is provided.

B. **Parenting plan and child support.** If child support is to be ordered, a Parenting Plan and Child Support Obligation and child support worksheet are required. A Wage Withholding Order may also be required if requested by a party. See Domestic Relations Form 4A-205 NMRA for an explanation of the Parenting Plan and Child Support Obligation, the child support worksheet and the Wage Withholding Order.

C. **Type or print.** The parties must type or print all of the information required to be completed on the forms. Many forms may be downloaded and completed or completed on-line. See Domestic Relations Form 4A-100 NMRA for the availability of forms. If a pre-printed form is being used by the parties and there is not enough room on the form to provide all of the information required, use a separate page for the information and staple the page to the pre-printed form before making copies and filing the form with the court.

D. **Sign the pleadings.** A party's signature on a pleading or paper filed with the court constitutes a certificate that the party has read the paper and that to the best of the party's knowledge, information and belief there is good grounds to support it.

E. **Forms required to be signed before a notary.** Both the husband and wife must sign the following pleadings and papers before a notary:

(1) the Petition for Parentage; and

(2) if child support is to be ordered, the Parenting Plan and Child Support Obligation.

F. **File the forms with the court.** After the parties have completed and signed the forms, the parties must file them with the court clerk.

G. **Required number of copies.** An original and two (2) copies of each form must be filed.

H. **Pay the filing fee.** A filing fee must be paid to the clerk in cash or money order at the time the petition and information sheet are filed unless free process is approved.

[Approved, effective November 15, 2002.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated November 5, 2002, this form was approved and adopted in its final form, effective November 15, 2002.

Petitions For Divorce

4A-301. Petition for dissolution of marriage (*no children*).

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT

Petitioner

v.

No. _____

Respondent

PETITION FOR DISSOLUTION OF MARRIAGE¹

(no children)

I, _____ (*person listed as petitioner above*), am the petitioner in this case and I am married to _____ (*person listed as respondent*). We are married and wish to get a divorce. We ask the court for a Final Decree of Dissolution of Marriage ("final decree") granting us the divorce. (*Use applicable alternatives and complete.*)

1. [One of us has] [Both of us have] been living in New Mexico for at least the past six (6) months. Husband lives in _____ County. Wife lives in _____ County. Venue is proper because one of us lives in the county listed in the case caption above.

2. We were married on _____ (*date*). We are now incompatible.

3. We have thought carefully about our property, debts and our duties to each other.

4. We know that we are making very important decisions that affect our rights and obligations. Both of us have completed and signed a Verified Marital Settlement Agreement ("agreement") and ask the judge to accept our agreement. We understand that once the judge signs the final decree, we will be ordered to do the things we agree to do in the agreement.

5. We each have gotten the help we thought was needed in order to sign this document.

6. We each have copies of all documents we are filing with the court. No one needs to serve any of the documents on us. We agree that this court has power to make orders about us in this case.

7. We do not have minor children from this marriage and none are expected.

8. The agreement is a fair and complete division of our property and debts.

When I sign below, I am telling the judge that I have read this document and agree with everything in it. I state upon my oath or affirmation that this document and the statements in it are true and correct to the best of my information and belief.

_____ ²
Petitioner's signature

Address: _____

Telephone: _____

_____ ²
Respondent's signature

Address: _____

Telephone: _____

STATE OF NEW MEXICO)
) ss.
COUNTY OF)

Acknowledged, subscribed and sworn to before me this _____ day of _____, _____ by _____, the petitioner.

Notary Public

My commission expires: _____

STATE OF NEW MEXICO)
) ss.
COUNTY OF)

Acknowledged, subscribed and sworn to before me this _____ day of _____, _____ by _____, the respondent.

Notary Public

My commission expires: _____

USE NOTES

1. Use this form if the husband and wife have no minor children born of this marriage. Use Domestic Relations Form 4A-302 NMRA if the parties have minor children or a child under nineteen (19) years of age attending high school. See Domestic Relations Form 4A-204 NMRA for an explanation of the forms required to be filed in an uncontested divorce when there are no children. Print or type the information required to be completed on this form. This form may be downloaded from either of the following judicial web sites: *www.supremecourt.nm.org*, click on "legal forms", and then click on "domestic relations forms" or *www.nmcourts.com*, click on "Family Law Forms".
2. After completing this petition, both husband and wife must sign their names before a notary prior to filing the petition with the court. A completed Domestic Relations Information Sheet (for self-represented people), Domestic Relations Form 4A-102 NMRA must also be filed with this form.

[Approved, effective November 15, 2002.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated November 5, 2002, this form was approved and adopted in its final form, effective November 15, 2002.

4A-302. Petition for dissolution of marriage (*with children*).

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT

Petitioner

v.

No. _____

Respondent

PETITION FOR DISSOLUTION OF MARRIAGE¹

(with children)

I, _____ (*person listed as petitioner above*), am the petitioner in this case and I am married to _____ (*person listed as respondent above*). We are married and wish to get a divorce. We ask the court for a Final Decree of Dissolution of Marriage ("final decree") granting us the divorce. (*Use applicable alternatives and complete.*)

1. [One of us has] [Both of us have] been living in New Mexico for at least the past six (6) months. Husband lives in _____ County. Wife lives in _____ County. Venue is proper because one of us lives in the county listed in the case caption above.

2. We were married on _____ (*date*). We are now incompatible.

3. We have thought carefully about our property, debts and our duties to each other.

4. We understand that we are making very important decisions that affect our rights and obligations. Both of us have completed and signed a Verified Marital Settlement Agreement ("agreement") and ask the judge to accept our agreement. We understand that once the judge signs the Final Decree of Dissolution of Marriage, we will be ordered to do the things in the agreement.

5. We each have gotten the help we thought was needed in order to sign this document.

6. We each have copies of all documents filed with the court. No one needs to serve any of the documents on us. We agree that this court has power to make orders about us in this case.

7. The agreement is a fair and complete division of our assets and debts.

8. We have or are expecting _____ (*total number*) minor [child] [children] from this marriage. We are filing the Parenting Plan and Child Support Obligation ("parenting plan") at the same time as we file this petition. The parenting plan is fair and complete.

9. Our children² are: (*You must include the name and the date of birth for each minor child. You must also provide each address of each child for the last five (5) years. Use a separate sheet if necessary.*)

Name: _____
(*Last name, first, and middle*)

Date of birth:

Present address: _____ (*street*)
_____ (*city*)
_____ (*state and zip code*)

Next previous address: _____ (*street*)
_____ (*city*)
_____ (*state and zip code*)

Next previous address: _____ (*street*)
_____ (*city*)
_____ (*state and zip code*)

Name: _____
(*Last name, first, and middle*)

Date of birth:

Present address: _____ (*street*)
_____ (*city*)
_____ (*state and zip code*)

Next previous address (*if applicable*): _____ (*street*)
_____ (*city*)
_____ (*state and zip code*)

Next previous address (*if applicable*): _____ (*street*)
_____ (*city*)
_____ (*state and zip code*)

10. Our [child has] [children have] lived in New Mexico since birth or for at least the past six (6) months.

(complete if applicable)

11. The following divorce, separation, order of protection, child support, paternity, abuse or neglect, domestic violence, termination of parental rights and adoption cases have been previously filed by me, the respondent or the state *(list all cases)*:

Type of case:

Year filed *(if known)*:

Case number *(if known)*:

Where filed: (city)
(state)
(court)

Type of case:

Year filed *(if known)*:

Case number *(if known)*:

Where filed: (city)
(state)
(court)

12. Does anyone else other than you as parents of your [child] [children] have or say they have:

Custody of your [child] [children]?

Yes No

Visitation rights with your [child] [children]?

Yes No

If you answered both questions "No", go to next section.

If you answered "Yes" to either question, complete the following information:

_____ *(Name of person)*
_____ *(Address)*
_____ *(Name of person)*
_____ *(Address)*

13. We understand that once the judge signs the final decree, we will be ordered to do the things we agreed to do in the parenting plan.

When I sign here, I am telling the judge that I have read this document and agree with everything in it. I state upon my oath or affirmation that this document and the statements in it are true and correct to the best of my information and belief.

Petitioner's signature

Address: _____

Telephone: _____

Respondent's signature

Address: _____

Telephone: _____

STATE OF NEW MEXICO)
) ss.
COUNTY OF)

Acknowledged, subscribed and sworn to before me this _____ day of _____, _____ by _____, the petitioner.

Notary Public

My commission expires: _____

STATE OF NEW MEXICO)
) ss.
COUNTY OF)

Acknowledged, subscribed and sworn to before me this _____ day of _____, _____ by _____, the respondent.

Notary Public

My commission expires: _____

USE NOTES

1. Use this form if the husband and wife are the parents of one or more minor children or a child under nineteen (19) years of age attending high school. Use Domestic Relations Form 4A-301 NMRA if there are no minor children. See Domestic

Relations Forms 4A-204 and 4A-205 NMRA for an explanation of the forms required to be filed in an uncontested divorce when there are children. Print or type the information required to be completed on this form. This form may be downloaded from either of the following judicial web sites: *www.supremecourt.nm.org*, click on "legal forms", then click on "domestic relations forms" or *www.nmcourts.com*, click on "Family Law Forms".

2. The statements regarding children are required to comply with the requirements of the Uniform Child-Custody Jurisdiction and Enforcement Act ("UCCJA"). For provisions of the Uniform Child-Custody Jurisdiction and Enforcement Act, see Sections 40-10A-101 to 40-10A-403 NMSA 1978.

3. After completing this petition, both husband and wife must sign their names before a notary prior to filing the petition with the court. A completed Domestic Relations Information Sheet (for self-represented people), Domestic Relations Form 4A-102 NMRA must also be filed with this form.

[Approved, effective November 15, 2002.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated November 5, 2002, this form was approved and adopted in its final form, effective November 15, 2002.

Settlement Agreements And Parenting Plan

4A-311. Verified marital settlement agreement (*simple*).

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT

Petitioner

v.

No. _____

Respondent

VERIFIED MARITAL SETTLEMENT AGREEMENT¹

*(simple)*²

_____ (*husband's name*) and _____
(*wife's name*) are married. We agree to this entire agreement. We will each follow this

agreement beginning on the day we both sign it. We understand that the judge may make changes to this agreement and that we must comply with any changes made.

PROPERTY WE ARE DIVIDING²

Anything that one of us buys after we have both signed this agreement will belong only to that person. Any money that one of us borrows after we have both signed this agreement will be the debt of, and owed by, that person only. We understand that this agreement may not bind creditors³.

1. **Property.** We have divided all of our property that we know about between us. We attach a Property List (Attachment A) showing property that we are keeping so that we have a written list of the items we have divided.

(Choose either A or B)

A. Each of us already has possession of all the personal property (*such as clothing, furniture or artwork*) that we each expect to receive. All assets that list one of us as owner are in the name of the person who is entitled to receive them.

B. We will make sure that each of us has our own property by _____ (*date*).

DEBTS WE ARE DIVIDING³

1. **Debt.** Any debt not listed is the responsibility of the person who created it. Each of us will pay debts we created before our marriage, unless we state differently here.

(Choose A or B)

A. We have no debt from our marriage.

B. We attach a Debt List (Attachment A) showing the debts we each will pay.³

2. **Credit cards and charge cards⁴.** Each of us will turn in and cancel all joint credit cards or we will have the credit card company take the other person's name off of the account.

3. **Taxes.** Each of us will file separate returns for this tax year. We will share information necessary to correctly file our income tax returns. We will get the help we need to file our taxes.⁵

4. **Problem with tax returns.** If any of our returns that we filed together are audited or contested, we will meet to decide what to do. If we cannot decide who pays the taxes owed or who gets any refund, we will ask a judge to decide at the time the problem comes up.

5. **Legal promise.** Each of us makes the following legal promise: Our debts have been divided in a fair way. I will pay the debts listed under my name on the Debt List. If I don't, my spouse may be forced to make that payment. I must pay back my spouse for that payment and other extra costs, such as attorney fees, spent by my spouse because I failed to pay.

OTHER STATEMENTS BY PARTIES

1. **Good faith disclosure.** I, the husband, and I, the wife, state under oath that we have disclosed all assets and debts that we are aware of. We discussed and exchanged documents giving important information about the issues in this agreement. Each of us has relied on that information.

2. **Documents.** We will each sign the documents we need to divide the property.

3. **Future issues.**⁶

A. **Completing the agreement.** If:

(1) one of us does not do what we said in this agreement; or

(2) we cannot agree on what this agreement says, either of us may ask the judge to decide the issue. The judge may make one party pay costs such as attorney fees.

B. **Things left out of the agreement.** If we forgot or failed to list any property or debt, we will seek the help we need in order to include the property or debt in our agreement.⁶

4. **Final agreement.** After signing this agreement, neither of us can later claim that we agreed to something different from either:

A. what is in this agreement; or

B. a signed written change.

VERIFICATION

When I sign here, I am telling the judge, under oath and penalty of perjury, that:

I have read this agreement and agree with everything in it;

I have read the warnings and cautions listed in this agreement;

I have gotten the help I needed before signing this agreement; and

this document and the statements in it are true and correct to the best of my knowledge and belief.

I understand that I can be punished both civilly and criminally if any information in this agreement is false.

Husband's signature
Address: _____

Wife's signature
Address: _____

Telephone: _____

Telephone: _____

STATE OF NEW MEXICO)
) ss.
COUNTY OF)

Acknowledged, signed and sworn to before me this _____ day of _____, _____ by _____, the husband.

Notary Public

My commission expires: _____.

STATE OF NEW MEXICO)
) ss.
COUNTY OF)

Acknowledged, signed and sworn to before me this _____ day of _____, _____ by _____, the wife.

Notary Public

My commission expires: _____.

ATTACHMENT A

PROPERTY LIST

(Attach separate page if needed.)

Each of us lists the property we are keeping so that we have a written history of the items we have divided. *(List all items over two hundred fifty dollars (\$250.00) that you own such as bank accounts, appliances or furniture.)* Do not use this form if you have a retirement account.

	Husband		Wife	
	Item	Value	Item	Value
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

DEBT LIST

(Attach separate page if needed.)

Husband's debt. I, the husband, will pay these debts, including credit cards:

Creditor and last four numbers of the account⁴	Amount
1. _____	\$ _____
2. _____	\$ _____
3. _____	\$ _____
4. _____	\$ _____

Wife's debt. I, the wife, will pay these debts, including credit cards:

Creditor and last four numbers of the account⁴	Amount
1. _____	\$ _____
2. _____	\$ _____
3. _____	\$ _____
4. _____	\$ _____

USE NOTES

1. This form becomes part of the order of the court when the Final Decree of Dissolution of Marriage form is signed by the judge. Use Domestic Relations Form 4A-312 NMRA instead of this form if:
 - (a) the parties are going to divide a retirement plan;
 - (b) the parties jointly own a home, mobile home, car or other motor vehicle; or
 - (c) one of the parties will receive spousal support.

2. Do not use this form if either or both of the parties have a retirement plan that is to be divided, or if the parties jointly own a home, mobile home, car or other motor vehicle or if one of the parties will receive spousal support.
3. This agreement does not affect the rights of creditors even when approved by the court as part of the final decree. See an attorney if you have questions about separate and community debts and separate and community property.
4. This document is a public document. Do not list the full account number for any credit card or other loan information that you would not want to make public.
5. There can be serious tax consequences resulting from certain divisions of assets or debts and spousal support. See a tax professional for questions you may have.
6. See an attorney if difficult problems arise later.

[Approved, effective November 15, 2002.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated November 5, 2002, this form was approved and adopted in its final form, effective November 15, 2002.

4A-312. Verified marital settlement agreement (*complex*).

STATE OF NEW MEXICO
 COUNTY OF _____
 _____ JUDICIAL DISTRICT

 Petitioner

v. _____ No. _____

 Respondent

VERIFIED MARITAL SETTLEMENT AGREEMENT¹

*(complex)*²

_____ (*husband's name*) and _____
 (*wife's name*) are married. We agree to this entire agreement. We will each follow this agreement beginning on the day we both sign it. We understand that the judge may make changes to this agreement and that we must comply with any changes made.

PROPERTY WE ARE DIVIDING³

Anything that one of us buys after we have both signed this agreement will belong only to that person. Any money that one of us borrows after we have both signed this agreement will be the debt of, and owed by, that person only. We understand that this agreement may not bind creditors.

1. **Property.** We have divided all of our property that we know about between us. We attach a Property List (Attachment A) showing property that we are keeping so that we have a written list of the items we have divided.⁴

(Choose either A or B)

A. Each of us already has possession of all the personal property (*such as clothing, furniture or artwork*) that we each expect to receive. All assets that list one of us as owner are in the name of the person who is entitled to receive them.

B. We will make sure that each of us has our own property by _____ (*date*).

Check here if one of these assets is a retirement or savings plan like an IRA, a retirement account, pension plan or 401(K) plan.⁵

2. **Home ownership** (*Choose A, B or C*)⁶

A. We do not own a home, mobile home or lot together. (*Go to Section 4.*)

B. We owned a home, mobile home or lot together but have sold it. We have divided the money from the sale like this: _____. (*Go to Section 3 "Dividing the home or lot we own"*).

C. We own a home mobile home lot building together. (*Go to Section 3, "Dividing the home or lot we own"*.)

3. **Dividing the home or lot we own**

(Complete the correct section: A. Keep the home, B. Sell the home or C. Other plan.)

A. **Keep the home.**

(Choose 1)

Husband shall keep the home.

Wife shall keep the home.

The person who keeps the home is called the "homeowner". The other person is called the "moving spouse".

(Check all that apply.)

Each of us has money invested in the home. The amount owed to the moving spouse to buy out that person's interest is \$_____.

The homeowner will apply to refinance the home within _____ [days] [months] [years]. (Complete and circle one.)

Here is our plan for buying out the person who is moving from the home or getting that person off of the loan papers:

.

B. **Sell the home.**

We are going to sell the home and divide the money from the sale as follows:

.

While the home is being sold, husband wife will stay in the home. Until the home sells, we will pay expenses, including utility bills for the home as follows (who is to pay and how much each person will pay):

.

We both will cooperate with the showing of the home and the sale of the home, including signing all paperwork needed in order to sell it and transfer title⁶. Both of us will preserve the home in a reasonable way, including the following things:

.

C. **Other plan.** We have attached a separate sheet with our plan regarding the home.

4. **Vehicles.**⁷
(Choose A or B)

A. We do not have any motor vehicles.

B. We have motor vehicles and are dividing them as follows:

Husband will keep the following vehicles: (describe each vehicle and list the vehicle identification number):

Vehicle	Vehicle Identification No.	Notes
---------	----------------------------	-------

Wife will keep the following vehicles: *(describe each vehicle and list the vehicle identification number)*:

Vehicle	Vehicle Identification No.	Notes
----------------	-----------------------------------	--------------

Each person listed above as keeping the vehicles will pay for the costs of the vehicles, including insurance. The parties will transfer title as needed.⁷

DEBTS WE ARE DIVIDING³

1. **Debt.** Any debt not listed is the responsibility of the person who created it. Each of us will pay debts we created prior to our marriage, unless we state differently here. Unless we state differently here, a person who takes property (such as a house or car) with a debt associated with it, that person will take the debt³. *(Choose A or B)*

A. We have no debt from our marriage.

B. We attach a Debt List (Attachment A) showing the debts we each will pay.

2. **Credit cards and charge cards.** Each of us will turn in and cancel all joint credit cards or we will have the credit card company take the other person's name off of the account.

3. **Taxes.** Each of us will file separate returns for this tax year. We will share information necessary to correctly file our income tax returns. We will get the help we need to file our taxes.⁸

4. **Problem with tax returns.** If any of our returns that we filed together are audited or contested, we will meet to decide what to do. If we cannot decide who pays the taxes owed or who gets any refund, we will ask a judge to decide at the time the problem comes up.

5. **Legal promise.** Each of us makes the following legal promise: Our debts have been divided in a fair way. I will pay the debts listed under my name on the Debt List. If I don't, my spouse may be forced to make that payment. I must pay back my spouse for that payment and other extra costs (like attorney fees) spent by my spouse because I failed to pay.

SPOUSAL SUPPORT

(Choose either A or B)

A. **No spousal support.** Each of us can support ourselves and neither will pay spousal support to the other. *(Go on to Section 5.)*

B. **Spousal support.**⁸

Husband Wife will pay spousal support to the other spouse for the following reason:

Payment method. It will be paid as follows:

(Choose A or B)

A. \$_____ per month on _____ *(date each month)* for _____ *(period of time)* or until the court says differently.

B. Here is our other plan:

Tax deduction.

(Choose A or B)

A. The person paying the support will deduct the payments on [his] [her] income tax return. The person receiving the support will show the support as income on [his] [her] income tax return. The support will end if the person to receive the support dies.

B. The person paying the support will not deduct the payments on [his] [her] income tax return. The person receiving the support will include the payment as income on [his] [her] income tax return.⁸

OTHER STATEMENTS BY PARTIES

1. **Good faith disclosure.** I, the husband, and I, the wife, state under oath that we have disclosed all assets and debts that we are aware of. We discussed and exchanged documents giving important information about the issues in this agreement. Each of us has relied on that information.

2. **Documents.** We will each sign the documents we need to divide the property.

3. **Future issues.**⁹

A. **Completing the agreement.** If:

(1) one of us does not do what we said in this agreement; or

(2) we cannot agree on what this agreement says, either of us may ask the judge to decide the issue. The judge may make one party pay costs such as attorney fees.

B. **Things left out of the agreement.** If we forgot or failed to list any property or debt, we will seek the help we need in order to include the property or debt in our agreement.¹⁰

4. **Final agreement.** After signing this agreement, neither of us can later claim that we agreed to something different from either:

A. what is in this agreement; or

B. a signed written change.

VERIFICATION

When I sign here, I am telling the judge, under oath and penalty of perjury, that:

I have read this agreement and agree with everything in it;

I have read the warnings and cautions listed in this agreement;

I have gotten the help I needed before signing this agreement; and

this document and the statements in it, are true and correct to the best of my knowledge and belief.

I understand that I can be punished both civilly and criminally if any information in this agreement is false.

Husband's signature

Wife's signature

Address:

Address:

Telephone:

Telephone:

STATE OF NEW MEXICO)

) ss.

COUNTY OF)

Acknowledged, signed and sworn to before me this _____ day of _____, _____ by _____, the husband.

Notary Public

My commission expires: _____.

STATE OF NEW MEXICO)
) ss.
COUNTY OF)
_____)

Acknowledged, signed and sworn to before me this _____ day of _____, _____ by _____, the wife.

Notary Public

My commission expires: _____.

ATTACHMENT A

PROPERTY LIST

(Attach separate page if needed.)

Each of us lists the property we are keeping so that we have a written history of the items we have divided. *(List all items over two hundred fifty dollars (\$250.00) that you own, such as land, a home, mobile home, motor vehicles, bank accounts or art.)*

	Husband		Wife	
	Item	Value	Item	Value
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

DEBT LIST

(Attach separate page if needed.)

Husband's debt. I, the husband, will pay these debts, including credit cards:

	Creditor and last four numbers of the account¹¹	Amount
1.	_____	\$ _____
2.	_____	\$ _____

3. _____ \$ _____
 4. _____ \$ _____

Wife's debt. I, the wife, will pay these debts, including credit cards:

Creditor and last four numbers of the account¹¹	Amount
1. _____	\$ _____
2. _____	\$ _____
3. _____	\$ _____
4. _____	\$ _____

USE NOTES

1. This form is used if: (a) the parties own a home, mobile home or motor vehicle; (b) either of the parties has a retirement plan that is to be divided; or (c) spousal support is to be paid. Use Domestic Relations Form 4A-311 NMRA for other divorce proceedings. See Domestic Relations Form 4A-204 NMRA for additional information relating to completing and filing this form.

2. It is highly recommended that you see an attorney or tax professional. There can be serious consequences, including tax consequences, for not properly transferring assets, especially retirement accounts. You may need separate documents to transfer divided assets.

3. This agreement does not affect the rights of creditors even when approved by the court as part of the final decree. See an attorney if you have questions about separate and community debts and separate and community property.

4. There can be serious tax consequences resulting from certain divisions of assets or debts. It is highly recommended that you see a professional about all property issues.

5. If the parties are going to divide a retirement plan, contact the retirement plan before completing and filing this form.

6. To transfer land, a building or a home other than a mobile home, the parties must prepare, sign and record a deed in the real property records where the property is located. To transfer a mobile home, contact the Motor Vehicle Division or see a professional.

7. To transfer motor vehicles, contact the Motor Vehicle Division or see a professional.

8. There can be serious tax consequences resulting from certain divisions of assets or debts and spousal support. See a tax professional for advice.

- 9. See an attorney if difficult problems arise later.
- 10. Each person should see an attorney to discuss what to do in this situation.
- 11. This document is a public document. Do not list the full account number for any credit card or other loan information that you would not want to make public.

[Approved, effective November 15, 2002.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated November 5, 2002, this form was approved and adopted in its final form, effective November 15, 2002.

4A-313. Parenting plan and child support obligation.

STATE OF NEW MEXICO
 COUNTY OF _____
 _____ JUDICIAL DISTRICT

 Petitioner

v. No. _____

 Respondent

PARENTING PLAN

AND CHILD SUPPORT OBLIGATION¹

We, _____ and _____, are the parents of the children listed below. We both agree to the terms of this parenting plan.

Child's Name	Date of Birth	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____

1. **Residence of our [child] [children].** Our [child resides] [children reside] in New Mexico. Neither of us will move our [child] [children] out of state unless we both agree or a judge allows one of us to do so.

2. **Review of plan.** We understand that the needs of our [child] [children] will change as they grow older. The plan may also change because of either parent's employment or other circumstances change. We must be flexible and cooperate in helping our [child] [children] grow and change.

We agree to meet [] every year or [] every _____ years to make sure this plan continues to work well.

CUSTODY OF THE CHILDREN²

(Choose either Option A, Joint legal custody, or Option B, Sole legal custody)³

[] A. **Joint legal custody.** We will share joint legal custody of our [child] [children] and will make important decisions about our [child] [children] together. No change regarding an important decision will happen unless we both agree to the change in writing or the court changes it.

Joint custody decisions regarding our [child] [children]

(Use a separate sheet if necessary.)

City and county of residence:

Religion:

Recreational Activities:

	Name	Address and telephone
Doctor	_____	_____
Dentist	_____	_____
School	_____	_____
Child care	_____	_____
Other	_____	_____

[] B. **Sole custody³**

(Complete all 3 blanks.)

_____ *(name of parent with sole custody)* will have sole legal custody of our [child] [children]. The parent with sole custody will make the important decisions regarding our [child] [children].

_____ *(name of other parent)* will have visitation with our children as explained in this agreement.

Sole custody³ is in the best interest of our [child] [children] because:

WHERE OUR CHILDREN SPEND THEIR TIME

(Complete whether you chose joint or sole custody.)

1. **Time sharing.** We will share time with the [child] [children] as we agree between ourselves. If we cannot agree, we will share time with the [child] [children] as set forth here.³

2. **Transfer of the children.**
We will transfer the children as follows:

THE USUAL PLAN⁴

(Either complete the blank lines in "Plan 1" or write your own plan in "Plan 2" below.)

Plan 1. Same plan each week or every two weeks.
(Set out the time that mother or father will have the [child] [children] for that day.)

Week 1	Mother's time	Father's time
Monday	_____	_____
Tuesday	_____	_____
Wednesday	_____	_____
Thursday	_____	_____
Friday	_____	_____
Saturday	_____	_____
Sunday	_____	_____
Week 2	Mother's time	Father's time
Monday	_____	_____
Tuesday	_____	_____
Wednesday	_____	_____
Thursday	_____	_____
Friday	_____	_____
Saturday	_____	_____
Sunday	_____	_____

Plan 2. Write your own plan. *(Write your own plan here or attach a separate sheet or calendar or make additions to Plan 1).*

THE VACATION AND HOLIDAY PLAN

1. **Vacations.** We will each have _____ [days] [weeks] (*circle one*) of uninterrupted time with the [child] [children] each year. We will give each other at least _____ (days) (weeks) notice of the vacation time. Any dispute will be resolved in the manner agreed to in the "Solving Arguments" section of this parenting plan.

2. **Holidays.** Regardless of the day of the week, the [child] [children] will spend:

Holidays:	Even Year	Odd Year	Times (<i>if split</i>)
Mother's Day	Mother	Mother	
Father's Day	Father	Father	
Child's Birthday	_____	_____	
Halloween	_____	_____	
Thanksgiving break	_____	_____	From _____
Winter religious holidays	_____	_____	To _____
			From _____
1st 1/2 winter break	_____	_____	To _____
			From _____
2nd 1/2 winter break	_____	_____	To _____
			From _____
Spring Break	_____	_____	
July 4th	_____	_____	
Other religious holidays	_____	_____	

Others:	_____	_____	

The Monday of a 3-day weekend is the same as the Sunday schedule unless we agree differently.

3. Write in any other information regarding the plan or the vacation schedule here:

DETAILS ABOUT THE CUSTODY PLAN

1. **Telephone and mail.** The [child] [children] may call each of us and receive letters and packages from each of us. We will not interfere with the [child's] [children's] communication with the other parent.

2. **Transportation.** We will share responsibility for getting the [child] [children] to and from each other's house, day care, school, etc., as follows: *(write what you will do here)*

3. **Emergencies.** If there is a medical emergency, the parent with the child will try to call the other parent about the emergency. If the other parent cannot be reached, any decision for emergency medical treatment will be made by the available parent in the best interest of the child.

4. **Changes.** We may ask each other for changes to this schedule. The other parent has the right to say "no". If the other parent says "no", we will not argue or criticize the other parent's decision. If we don't agree, we will follow the "solving arguments" section of this agreement.

CHILD SUPPORT

1. **Child Support Worksheet.**⁵ We attach a signed worksheet to this plan. *(Complete and sign a child support worksheet prior to completing this section.)*

Child support: _____ pays _____ \$_____.

(Choose A or B)

[A. This amount is the amount shown on the worksheet; or

We ask the judge to order an amount different from the child support amount in the worksheet because *(fill in the reason here)*⁶

[B.

2. **Additional expenses to be determined by percentage.** We have not included the following costs on the child support worksheet because we do not have actual dollar figures to include on the worksheet. We will split the following expenses by percentage of the actual cost incurred⁵.

Additional expenses

(List percent for each that applies to you)

Medical co-payments and deductibles

Mother pays

_____ %

Father pays

_____ %

Medical expenses not paid

by insurance

_____ %

_____ %

Dental expenses if no insurance or co-payments and deductible	_____ %	_____ %
Dental expenses not paid by insurance	_____ %	_____ %
Counseling expenses for [child] [children]	_____ %	_____ %
Educational expenses or child care expenses, such as camp, not listed on worksheet	_____ %	_____ %
Transportation and communication expenses if child does not live in same city as one parent	_____ %	_____ %
Increase in medical premium	_____ %	_____ %
Increase in dental premium	_____ %	_____ %
Day care, school tuition or additional educational or child care expenses, such as camp, not listed on worksheet	_____ %	_____ %
Increase in counseling expenses	_____ %	_____ %
Other costs not listed on worksheet	_____ %	_____ %

3. **Child support.** Payments shall begin on _____ (date) and continue until the child is eighteen (18) years of age or nineteen (19) years of age if attending high school, whichever happens last.

4. **Wage withholding of child support.**
(Choose A or B)

A. **Withhold wages for child support.** Child support payment will be withheld from _____'s monthly paycheck. We attach a Wage Withholding Order⁷.
or

B. **Do not withhold wages for child support**⁸. We agree not to do wage withholding at this time.

5. **Health and dental insurance.** Unless we agree otherwise, we will:

follow the insurance plan in selecting a doctor or dentist;

not use a doctor or dentist who is not on the insurance plan;
make sure each parent has a copy of the insurance card and policy; and
cooperate and work together to promptly submit all insurance forms.

6. **Exchange of information.** We agree that once a year either one of us can ask, in writing, for the other one to give us:

federal and state tax returns for the prior year;
W-2 statements for the prior year;
IRS form 1099's for the prior year;
work related day care statements for the prior year;
dependent medical insurance premiums for the prior year; and
wage and payroll statements for the four months prior to the request.

We agree to review and adjust, if necessary, the child support payments (*fill in your plan here*)⁹

- Annually
- When a major change of circumstances happens
- Other: _____

7. **Tax issues.** Here is our plan about tax issues that relate to our [child] [children] (Who will declare the [child] [children] as dependents, who will take the child care deduction, etc.¹⁰)

.

8. **Other expenses.** Each of us will provide our [child] [children] with items that they need while they are with us.

9. **Additional expenses.** We agree to the following support issues related to our [child] [children]:

.

SOLVING ARGUMENTS

1. **Dispute resolution.** We will resolve any custody, visitation or time-sharing dispute regarding our [child] [children] in this way:

2. **Solving problems.** (*steps continue until problem solved*)

(a) Talk together; or

(b) Communicate through writing:

requesting parent sends document listing the change and why and answering parent sends response within _____ days.

If the answering parent does not agree to the change, the response must say why, and, if possible, make a new proposal.

Take the following steps:

(check all that apply and number them if there is a particular order)

_____. Go to couple, family or other counseling;

_____. Go to mediation with a neutral party;

_____. Other: _____ ;

_____. Go to court.

3. **Cost of dispute resolution.**

Mother will pay _____% and father will pay _____% of all dispute resolution costs, except legal and court costs. If we have to go to court to solve our argument, the judge will decide how much we each must pay. If we have a disagreement, we will continue to follow the time-sharing plan until the disagreement is resolved.

GENERAL AGREEMENTS; HOW WE TREAT OUR CHILDREN

1. We will both actively be responsible for and involved in our [child's] [children's] lives.

2. As our [child grows] [children grow] [his] [her] [their] needs will change. We will talk about the changing needs.

3. We will support our [child's] [children's] relationship with the other parent and not interfere in it. We will be positive about that relationship.

4. We both have a right to medical and educational information about our [child] [children]. We each may talk with our [child's] [children's] doctors and schools. If either of us learns that our [child is] [children are] involved in any other legal proceeding, we agree to notify the other parent.

5. We will consider what our [child wants] [children want] when we make decisions about the [child] [children]. We will never ask our [child] [children] to make decisions that they are not old enough or mature enough to make. We will never ask a child to choose between us.

When I sign here, I am telling the judge that I have read this document and agree with everything in it. I state, upon oath, that this document, and the statements in it, are true and correct as far as I know and believe.

Husband's signature

Wife's signature

Address: _____

Address: _____

Telephone: _____

Telephone: _____

STATE OF NEW MEXICO)
) ss.

COUNTY OF)
_____)

Acknowledged, signed and sworn to before me this _____ day of _____, _____ by _____, the husband.

Notary Public

My commission expires: _____.

STATE OF NEW MEXICO)
) ss.

COUNTY OF)
_____)

Acknowledged, signed and sworn to before me this _____ day of _____, _____ by _____, the wife.

Notary Public

My commission expires: _____.

USE NOTES

1. The court may require the use of a different parenting plan. The parties should check with the clerk of the court prior to completing a parenting plan. For a further explanation of this form, see Domestic Relations Form 4A-205 NMRA. The parenting plan will become a part of the judge's final order when the Final Decree of Dissolution of Marriage, (with children), Domestic Relations Form 4A-322 NMRA, is signed by the judge.

2. The parties should understand the difference between the rights and obligations of joint custodians and a sole custodian. Descriptions of these terms are set out in Section 40-4-9.1 NMSA 1978. See an attorney with questions you may have. Joint legal custody does not necessarily mean that the [child] [children] must spend fifty percent (50%) of the time with each parent.

3. The law prefers joint custody for most children. Many judges will require a hearing before granting sole custody.
4. In developing a parenting plan, consider the needs of younger children. See a professional specializing in child development for a plan appropriate for your children.
5. See Section 40-4-11.1 NMSA 1978 for the child support worksheet. An interactive version of this worksheet may be found at *www.nmcourts.com*, click on "*Family Law Forms*". See also Domestic Relations Form 4A-205 NMRA for a further explanation of the child support worksheet. The child support worksheet is used to determine the monthly child support obligation.
6. The judge may or may not accept a proposed change from the worksheet amount.
7. See Domestic Relations Form 4A-341 NMRA for the Wage Withholding Order. A Wage Withholding Order is required if either party or the children born of this marriage are receiving public assistance. Either party may request the court to enter a Wage Withholding Order. See also Domestic Relations Form 4A-205 NMRA for a further explanation of the Wage Withholding Order.
8. The court will sign a Wage Withholding Order upon request of either party. If child support is not paid in a timely manner, interest will be added to the amount owed at the rate provided by law. See Section 40-4-7.3 NMSA 1978 for accrual of interest on delinquent child and spousal support. The rate is the rate in effect pursuant to Section 56-8-4 NMSA 1978.
9. You need a court order to adjust child support payments.
10. See a professional about tax issues that relate to any children.

[Approved, effective November 15, 2002.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated November 5, 2002, this form was approved and adopted in its final form, effective November 15, 2002.

Final Divorce Decrees

4A-321. Final decree of dissolution of marriage (*no children*).

STATE OF NEW MEXICO

COUNTY OF _____

_____ JUDICIAL DISTRICT

Petitioner
v. No.

Respondent

FINAL DECREE OF DISSOLUTION OF MARRIAGE¹

(no children)

This matter was brought before the court by _____
(husband's name) and _____ *(wife's name)*, "the parties". The parties have asked the court to end their marriage and enter a Final Decree of Dissolution of Marriage. In addition, the parties have filed a Verified Marital Settlement Agreement ("agreement") that settles the claims related to their marital relationship. This court has considered the parties' agreement, and finds the parties' agreement and requests to be reasonable.

THIS COURT FINDS AND CONCLUDES:

1. The court has jurisdiction over the parties and the subject matter of this action.
2. The parties are entitled to a decree of dissolution of marriage on grounds of incompatibility.
3. The parties have sworn, under oath, that the agreement is complete, true and correct.
4. The parties have sworn, under oath, that the agreement divides all known property and debt of the parties, settles their rights and obligations and is fair.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. The marriage of husband and wife is dissolved on the grounds of incompatibility.
2. The parties are ordered to comply with the terms of the Verified Marital Settlement Agreement, the terms of which are incorporated here by reference.
3. This case is now closed.

Date

District court judge

When I sign here, I am telling the judge that I have read this document and agree with everything in it. I state, upon oath, that this document, and the statements in it, are true and correct as far as I know and believe.

Husband's signature

Address: _____

Wife's signature

Address: _____

Telephone: _____

Telephone: _____

USE NOTE

1. This form may need to be modified if the parties have agreed to divide a retirement or pension plan. The parties should consult with their retirement plan prior to preparing this order.

[Approved, effective November 15, 2002.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated November 5, 2002, this form was approved and adopted in its final form, effective November 15, 2002.

4A-322. Final decree of dissolution of marriage (*with children*).

STATE OF NEW MEXICO

COUNTY OF _____

_____ JUDICIAL DISTRICT

Petitioner

v. No.

Respondent

FINAL DECREE OF DISSOLUTION OF MARRIAGE¹

(with children)

This matter was brought before the court by _____
(husband's name) and _____ *(wife's name)*, "the parties". The parties have asked the court to end their marriage and enter a Final Decree of Dissolution of Marriage. In addition, the parties have filed a Verified Marital Settlement Agreement ("agreement") that settles the claims related to their marital relationship. The parties have also entered into a Parenting Plan and Child Support Obligation ("parenting plan") that sets out the custody and child support of their [child] [children]. This court has considered the parties' agreement and the parenting plan, and finds the parties' agreement and requests to be reasonable.

THIS COURT FINDS AND CONCLUDES:

1. The court has jurisdiction over the parties, the [child] [children] and the subject matter of this action.
2. The parties are entitled to a Final Decree of Dissolution of Marriage on grounds of incompatibility.
3. The parties have sworn, under oath, that the agreement and the parenting plan are complete, true and correct.
4. The parties have sworn, under oath, that the agreement divides all known property and debt of the parties, settles their rights and obligations and is fair.
5. The filed parenting plan determines custody and child support of the parties' minor [child] [children]. The parties have sworn, under oath, that the parenting plan is in the best interest of the children.
6. *(Judge to complete.)*

The child support guidelines are appropriate in this case.
or

The child support guidelines are unjust or inappropriate in this case because they result in substantial hardship. It is appropriate to deviate from the child support guidelines in this case.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. The marriage of husband and wife is dissolved on the grounds of incompatibility.

2. *(Judge to complete as appropriate.)*

Husband Wife is ordered to pay child support in the amount of _____ to the other parent.

3. *(Judge to complete as appropriate.)*

The parties have joint custody of the [child] [children].

or

Father Mother is the sole custodian of the [child] [children].

4. The parties are ordered to comply with the terms of the Verified Marital Settlement Agreement and the Parenting Plan and Child Support Obligation, the terms of which are incorporated here by reference.

5. This case is now closed. However, the court will have continuing jurisdiction over issues relating to the [child] [children] of the marriage until the [child reaches] [children reach] the age of majority as provided by law.

Date District court judge

When I sign here, I am telling the judge that I have read this document and agree with everything in it. I state, upon oath, that this document, and the statements in it, are true and correct as far as I know and believe.

Husband's signature Wife's signature

Address: _____ Address: _____

Telephone: _____ Telephone: _____

USE NOTE

1. This form may need to be modified if the parties have agreed to divide a retirement or pension plan. The parties should consult with their retirement plan prior to preparing this order.

[Approved, effective November 1, 2002.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated November 5, 2002, this form was approved and adopted in its final form, effective November 15, 2002.

Paternity Actions

4A-331. Petition to establish parentage.

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT

Petitioner
v. No. _____

Respondent

PETITION TO ESTABLISH PARENTAGE¹

I, _____ (person listed as petitioner above), am the petitioner in this case and I have [a child] [children] with _____ (person listed as respondent), "the parties". The parties ask the court for a Final Decree Establishing Parentage that establishes that _____ (name of father) is the father of the [child] [children] listed below and approves the parties' parenting plan for their [child] [children].

- 1. The parties have [or are expecting] _____ (number) minor [child] [children] together.
2. The parties are filing a completed Parenting Plan and Child Support Obligation, Form 4A-313 NMRA, at the same time as this petition.
3. Father lives in _____ County. Mother lives in _____ County. Venue is proper because one of us lives in the county listed in the case caption above.
4. Both parties have gotten the help needed in order to sign this document.
5. The parties are the parents of:

Table with 3 columns: Child's Name, Date of Birth, Age. Includes four rows of blank lines for data entry.

6. Our [child] [children] have lived in New Mexico since birth or for at least the past six (6) months. For the past five (5) years, our children have lived:

Table with 3 columns: Child's addresses, Dates of residence, People in residence. Includes sections for Present address and Past addresses with blank lines for data entry.

7. (If applicable, check below and list each proceeding.)

[] The above [child has] [children have] been the subject of the following prior custody or support proceedings:

Case Name	Case Number	Court Name	Location
_____	_____	_____	_____
_____	_____	_____	_____

[] No other custody or support proceeding has been filed in any state involving the above named [child] [children].

8. *(check applicable)*

[] No person other than the parties to this proceeding has claimed custody or visitation rights for the above named [child] [children].

[] The following named persons have custody or visitation rights to the above named [child] [children]:

(Name of person) (Address)

(Name of person) (Address)

9. Parentage has been established because the father has acknowledged that he is the father of the [child] [children].

10. We understand that once the judge signs the Final Decree of Parentage, we will be ordered to do the things we agreed to do in the parenting plan.

When I sign here, I am telling the judge that I have read this document and agree with everything in it. I state upon my oath or affirmation that this document and the statements in it are true and correct to the best of my information and belief.

Petitioner's signature

Address: _____

Telephone: _____

Respondent's signature

Address: _____

Telephone: _____

STATE OF NEW MEXICO)
) ss.
COUNTY OF)

Acknowledged, subscribed and sworn to before me this _____ day of _____, _____ by _____, the petitioner.

Notary Public

My commission expires: _____

STATE OF NEW MEXICO)
) ss.
COUNTY OF)

Acknowledged, subscribed and sworn to before me this _____ day of _____, _____ by _____, the respondent.

Notary Public

My commission expires: _____

USE NOTES

1. See Domestic Relations Form 4A-206 NMRA for an explanation of an uncontested paternity proceeding and how to complete these forms.
2. Section 40-10A-209 NMSA 1978 requires the following information be disclosed: name of the child; the places the child has lived in the last five (5) years; and the names and addresses of the persons with whom the child has lived in the last five (5) years.
3. After completing this form, the petitioner and respondent must sign their names before a notary.

[Approved, effective November 1, 2002.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated November 5, 2002, this form was approved and adopted in its final form, effective November 15, 2002.

4A-332. Final decree of parentage.

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT

Petitioner
v. No.

Respondent

FINAL DECREE OF PARENTAGE

THIS MATTER was brought before the court by _____
(*father's name*) and _____ (*mother's name*), "the parties". The parties have asked the court to enter a final decree establishing parentage. In addition, the parties have filed a Parenting Plan and Child Support Obligation ("parenting plan") that sets out the custody and child support of their [child] [children]. This court has considered the parties' agreements, and finds the parties' parenting plan and requests to be reasonable.

THIS COURT FINDS AND CONCLUDES:

1. The court has jurisdiction over the parties, the [child] [children] and the subject matter of this action.
 2. _____ (*name of father*) has acknowledged in the petition filed in this case that he is the father of _____ (*name of each child*).
 3. The parties have sworn, under oath, that the parenting plan is complete, true and correct.
 4. The filed parenting plan determines custody and child support of the parties' minor [child] [children]. The parties have sworn, under oath, that the parenting plan is in the best interest of the [child] [children].
 5. (*Judge to check applicable.*)
- [] The child support guidelines are appropriate in this case.

The child support guidelines are unjust or inappropriate in this case because they result in substantial hardship. It is appropriate to deviate from the child support guidelines in this case.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. _____ is the father of _____
(name of each minor child).

2. The parties are ordered to fully comply with all terms and provisions of the parenting plan, the terms of which are incorporated by reference.

3. Father Mother is ordered to pay child support in the amount of _____ to the other parent.

4. (check applicable alternative)

The parties have joint custody of the [child] [children].

Father Mother is the sole custodian of the [child] [children].

5. The court will have continuing jurisdiction over issues relating to the [child] [children] while the [child is a minor] [children are minors].

6. (Check and complete if applicable)

The Department of Health, Health Services Division, Vital Statistics Bureau is ordered to change the birth record of _____ (name of each child) to reflect _____ (name of father) is the [child's] [children's] father.

7. This case is now closed. However, the court will have continuing jurisdiction over issues relating to the [child] [children] while they are minors and as provided by law.

IT IS SO ORDERED.

Date

District court judge

When I sign here, I am telling the judge that I have read this document and agree with everything in it. I state upon my oath or affirmation that this document and the statements in it are true and correct to the best of my information and belief.

Petitioner's signature

Address:

Respondent's signature

Address:

Telephone:

Telephone:

[Approved, effective November 15, 2002.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated November 5, 2002, this form was approved and adopted in its final form, effective November 15, 2002.

Other Orders

4A-341. Wage withholding order.

STATE OF NEW MEXICO

COUNTY OF _____

_____ JUDICIAL DISTRICT

Petitioner

v. No.

Respondent

WAGE WITHHOLDING ORDER¹

This matter having come before the court for entry of a Wage Withholding Order. The parties have agreed as follows:

A. Information on the paying parent:

Name of parent: _____

Parent's address: _____

Social security number: _____

Employer's name: _____

Employer's address: _____

B. The total support owed is \$ _____ per month.

C. _____ (*name of paying party*) agrees to this support being withheld from wages of the above employer.

IT IS ORDERED THAT:

The paying parent's employer (including all future employers or income providers) shall withhold support as follows (*describe amount and purpose for which wages will be withheld*):

The employer shall mail or transfer the amount withheld within seven (7) days of the date the paying parent receives a pay check to:

_____ (*name of person or entity and address*).

IT IS SO ORDERED.

Date

District court judge

APPROVED:

Mother's signature:

Address:

Telephone:

Father's signature:

Address:

Telephone:

USE NOTE

1. See Paragraph C of Domestic Relations Form 4A-205 NMRA for an explanation of the Wage Withholding Order.

[Approved, effective November 15, 2002.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated November 5, 2002, this form was approved and adopted in its final form, effective November 15, 2002.

Court Orders

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

NO. 00-8300

IN THE MATTER OF THE PROVISIONAL APPROVAL
OF DOMESTIC RELATIONS RULES AND FORMS FOR
USE IN THE DISTRICT COURTS IN THE STATE OF NEW MEXICO

ORDER

WHEREAS, this matter came on for consideration by the Court upon the recommendation of the Rules of Civil Procedure Committee to require use of domestic relations rules and forms in all district courts in the State of New Mexico, and the Court being sufficiently advised, Chief Justice Pamela B. Minzner, Justice Joseph F. Baca, Justice Gene E. Franchini, Justice Patricio M. Serna, and Justice Petra Jimenez Maes, concurring;

NOW, THEREFORE, IT IS ORDERED that the domestic relations rules and forms hereby are provisionally approved for twelve months effective November 1, 2000;

IT IS FURTHER ORDERED that these rules and forms supersede all local domestic relations rules and forms; and

IT IS FURTHER ORDERED that the Clerk of the Court hereby is authorized and directed to give notice of the provisional adoption of the above-referenced rules and forms by publishing the same in the Bar Bulletin;

DONE at Santa Fe, New Mexico, this 3rd day of October, 2000.

/s/ PAMELA B. MINZNER
Chief Justice
/s/ JOSEPH F. BACA
Justice
/s/ GENE E. FRANCHINI
Justice
/s/ PATRICIO M. SERNA
Justice
/s/ PETRA JIMENEZ MAES
Justice

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

NO. 01-8300
IN THE MATTER OF THE PERMANENT ADOPTION
OF DOMESTIC RELATIONS RULES AND FORMS FOR
USE IN THE DISTRICT COURTS IN THE STATE OF NEW MEXICO

ORDER

WHEREAS, this matter came on for consideration by the Court upon the recommendation of the Rules of Civil Procedure Committee to require use of domestic relations rules and forms in all district courts in the State of New Mexico, and, on October 3, 2000, the domestic relations rules and forms were adopted and approved provisionally for twelve months; and

WHEREAS, the recommendation of the Rules of Civil Procedure Committee is to permanently adopt the domestic relations rules and forms for use in all district courts in the State of New Mexico, and the Court having considered said recommendation and being sufficiently advised, Chief Justice Patricio M. Serna, Justice Joseph F. Baca, Justice Gene E. Franchini, Justice Pamela B. Minzner, and Justice Petra Jimenez Maes, concurring;

NOW, THEREFORE, IT IS ORDERED that the domestic relations rules and forms hereby are permanently adopted effective November 1, 2001;

IT IS FURTHER ORDERED that these rules and forms supersede all local domestic relations rules and forms; and

IT IS FURTHER ORDERED that the Clerk of the Court hereby is authorized and directed to give notice of the permanent adoption of the above-referenced rules and forms by publishing the same in the Bar Bulletin;

DONE at Santa Fe, New Mexico, this 29th day of October, 2001.

/s/ PATRICIO M. SERNA
Chief Justice

/s/ JOSEPH F. BACA
Justice

/s/ GENE E. FRANCHINI
Justice

/s/ PAMELA B. MINZNER
Justice

/s/ PETRA JIMENEZ MAES
Justice

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

NO. 01-8300

IN THE MATTER OF THE *PROVISIONAL* ADOPTION
OF DOMESTIC RELATIONS FORMS FOR USE IN THE
DISTRICT COURTS IN THE STATE OF NEW MEXICO

ORDER

WHEREAS, this matter came on for consideration by the Court upon the recommendations of the Rules of Civil Procedure Committee and Administrative Office of the Courts to adopt a uniform set of domestic relations forms for use in the district courts in the State of New Mexico, and the Court having considered said recommendations and being sufficiently advised, Chief Justice Patricio M. Serna, Justice Joseph F. Baca, Justice Gene E. Franchini, Justice Pamela B. Minzner , and Justice Petra Jimenez Maes concurring;

NOW, THEREFORE, IT IS ORDERED that the domestic relations forms hereby are *PROVISIONALLY APPROVED* and *ADOPTED until November 15, 2002*;

IT IS FURTHER ORDERED that the forms are intended to assist self-represented litigants in uncontested domestic relations cases and are *NOT* required forms that must be used by litigants. Although approved by this Court, use of the domestic relations forms in district court is optional;

IT IS FURTHER ORDERED that the Administrative Office of the Courts shall not make changes to the forms on its web site that are not approved by order of this Court;

IT IS FURTHER ORDERED that the domestic relations forms shall be effective November 15, 2001; and

IT IS FURTHER ORDERED that the Clerk of the Court hereby is authorized and directed to give notice of the *provisional* approval and adoption of the domestic relations forms by publishing the same in the Bar Bulletin and NMRA.

DONE at Santa Fe, New Mexico, this 19th day of September, 2001.

/s/ PATRICIO M. SERNA
Chief Justice

/s/ JOSEPH F. BACA
Justice

/s/ GENE E. FRANCHINI
Justice

/s/ PAMELA B. MINZNER
Justice

/s/ PETRA JIMENEZ MAES
Justice

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

NO. 02-8300
IN THE MATTER OF THE AMENDMENT OF
FORM 4A-100 OF THE RULES OF CIVIL
PROCEDURE FOR DISTRICT COURTS

ORDER

WHEREAS, this matter came on for consideration by the Court upon the recommendation of the Rules of Civil Procedure for the District Courts Committee to amend Form 4A-100 (Domestic Relations Forms), and the Court having considered said recommendation and being sufficiently advised, Chief Justice Patricio M. Serna, Justice Gene E. Franchini, Justice Pamela B. Minzner, Justice Petra Jimenez Maes, and Justice Paul J. Kennedy concurring;

NOW, THEREFORE, IT IS ORDERED that the amendment of Form 4A-100 (Domestic Relations Forms) of the Rules of Civil Procedure for District Courts hereby is APPROVED;

IT IS FURTHER ORDERED that the amendment of Form 4A-100 (Domestic Relations Forms)) shall be effective for cases filed on or after November 15, 2002;

IT IS FURTHER ORDERED that the Clerk of the Court hereby is authorized and directed to give notice of the amendment of the above-referenced form by publishing the same in the Bar Bulletin and NMRA.

DONE at Santa Fe, New Mexico, this 5th day of November, 2002.

/s/ PATRICIO M. SERNA
Chief Justice

/s/ GENE E. FRANCHINI
Justice

/s/ PAMELA B. MINZNER
Justice

/s/ PETRA JIMENEZ MAES
Justice

/s/ PAUL J. KENNEDY
Justice

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

NO. 02-8300
IN THE MATTER OF THE ADOPTION OF DOMESTIC
RELATIONS FORMS FOR USE IN THE DISTRICT COURTS
IN THE STATE OF NEW MEXICO BY PRO SE LITIGANTS

ORDER

WHEREAS, this matter came on for consideration by the Court upon the recommendations of the Rules of Civil Procedure Committee and Administrative Office of the Courts to adopt a uniform set of domestic relations forms for use in the district courts in the State of New Mexico by pro se litigants;

WHEREAS, an order was issued by this Court on September 19, 2001, provisionally approving and adopting said forms until November 15, 2002; and

WHEREAS, the Rules of Civil Procedure Committee recommends that the domestic relations forms for use by pro se litigants be approved and adopted permanently, and the Court having considered said recommendation and being sufficiently advised, Chief Justice Patricio M. Serna, Justice Gene E. Franchini, Justice Pamela B. Minzner, Justice Petra Jimenez Maes, and Justice Paul J. Kennedy concurring;

NOW, THEREFORE, IT IS ORDERED that the domestic relations forms provisionally adopted by this Court on September 19, 2001 hereby are WITHDRAWN;

IT IS FURTHER ORDERED that a newly-numbered set of domestic relations forms for use by pro se litigants hereby are APPROVED and ADOPTED;

IT IS FURTHER ORDERED that the forms are intended to assist self-represented litigants in uncontested domestic relations cases and are NOT required forms that must be used by litigants. Although approved by this Court, use of these domestic relations forms in district court is optional;

IT IS FURTHER ORDERED that the Administrative Office of the Courts shall not make changes to the forms on its web site that are not approved by order of this Court;

IT IS FURTHER ORDERED that the domestic relations forms shall be effective November 15, 2002; and

IT IS FURTHER ORDERED that the Clerk of the Court hereby is authorized and directed to give notice of the approval and adoption of the domestic relations forms by publishing the same in the Bar Bulletin and NMRA.

DONE at Santa Fe, New Mexico, this 5th day of November, 2002.

/s/ PATRICIO M. SERNA
Chief Justice

/s/ GENE E. FRANCHINI
Justice

/s/ PAMELA B. MINZNER
Justice

/s/ PETRA JIMENEZ MAES
Justice

/s/ PAUL J. KENNEDY
Justice